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ABSTRACT

The manual describes procedures of the Montgomery County Intermediate Unit (PA) regarding individualized education programs (IEPs) for exceptional children, as mandated by P.L. 94-142, the Education for All Handicapped Children Act. An initial section reviews the philosophy of the IEP and gives directions for completing IEP forms. Other topics addressed in the manual include the following (sample subtopics in parentheses): vocational education (IEP procedures for exceptional students in vocational education): parental involvement (parent participation in the IEP process): review, revision, reevaluation (procedures for conducting an annual review meeting): dismissal, graduation, training (IEP procedures for graduating students): and due process (notice of recommended assignment). Examples of 19 forms are also provided, including request for permission to evaluate, notice that a student is exceptional, notice of intent to reevaluate cumulative records, and IEP planning meeting checklist. (CL)

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A HANDBOOK FOR IEP DEVELOPMENT

Implementation of Public Law 94-142

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PREFACE

This manual was developed in order to assist teachers and administrators involved with exceptional students to implement the requirements of the Education for All Handicapped Children Act (P.L. 94-142). It describes the procedures and forms designed by the Montgomery County Intermediate Unit in order to comply with the mandates of both the federal law and the State of Pennsylvania's Special Education Standards.

> Some school districts within Montgomery County are employing slightly different procedures and forms developed specifically for their districts. Therefore, it is recommended that teachers of district operated classes contact their local districts prior to starting the IEP process. Teachers of Intermediate Unit classes must follow the procedures and use the forms contained in this manual.

In the Spring of 1979, a controversial type of litigation was commenced; namely, that certain school age persons, by virtue of their handicap, did not satisfactorily progress within the normal 180 day school year. By the end of the Summer of 1980, both the Federal District Court and the Court of Appeals had upheld the principle that certain children were to receive an extended school year program. It can be assumed at this point that all students, as part of their IEP Annual Review Conference, must be considered for an extended school year program.

Since the Court of Appeals has already ruled in the matter, the Pennsylvania Department of Education still has the right to petition for the Supreme Court to undertake a review of the matter. Further, the decision of the Court of Appeals allows for certain changes to be made in the criteria for extended school year programming under and at the direction of the Federal District Court.

The decision from the Appeals Court did not arrive in time to allow for the procedures for extended school year programming to be included in this manual. These procedures are available as an addendum.

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PURPOSE OF PUBLIC LAW 94-142

The Education for All Handicapped Children Act (P.L. 94-142) was designed to:

- guarantee all handicapped students a free, appropriate public education, designed to meet their unique needs;
- protect the educational rights of these students and their parents or guardians;
- help local education agencies, such as school districts, to provide such an education and
- provide continuous checks to assure that programs for handicapped students are effective in helping the students realize their potential.

Studies conducted before the law was passed showed that more than half the handicapped children in this country were not receiving an education appropriate to their special needs. Others reportedly were struggling in regular classrooms because their handicapping problems had gone undetected. In addition, one million had been excluded entirely from the public school system.

The major requirements of the act are that each public school agency must:

- guarantee each handicapped student a public education designed just for that student at no cost to parents or guardians;
- assure that all handicapped students who may require special education are located, identified and evaluated so they may be taught according to their needs;
- guarantee an individualized education program (IEP) be written for each handicapped student, designed specifically for that student and developed jointly with the parent or guardian;
- guarantee parents who are not satisfied with their child's educational program the right to an impartial hearing to resolve any questions concerning the child's program;
- make certain that testing and evaluation materials are selected and used so they are fair to all students, regardless of race or culture;
- assure that handicapped students are educated in as normal a setting as possible, meaning they should be placed with the non-handicapped whenever feasible and moved to special classes only if the nature or severity of their handicap requires this attention;
- develop inservice training programs for general and special educators as well as support personnel who will be involved with handicapped learners.

As previously mentioned, one of the requirements of Public Law 94-142 is that an Individualized Education Program (IEP) be written for all handicapped students. In Pennsylvania the definition of special education students has been expanded to include the mentally gifted (§ 341.1 (b)). Therefore, a mentally gifted student must have an IEP prior to placement. Due to this addition, Pennsylvania refers to its special education population as "exceptional" rather than "handicapped".

The seven mandated components of an IEP are the following:

1. **Present Education Levels**
   This is a written summary statement of how the student is currently functioning.

2. **Annual Goals**
   These are descriptions of major goals for the student to accomplish on a yearly basis. The Annual Goals are based on the Present Education Levels.

3. **Short-Term Objectives**
   These are shorter, more specific steps that the student will go through in order to attain the Annual Goals.

4. **Primary Assignment and Related Services**
   The Primary Assignment is the specific special education program(s) to which the student will be assigned. Related Services are any developmental, corrective or supportive services which are required in order for the student to benefit from special education. Related Services also include the type of transportation and the type of physical education.

5. **Statement of Integration**
   This is a statement of the extent to which a student participates in regular education.

6. **Dates**
   These include:
   a. Date of initiation of program(s) and service(s)
   b. Date of anticipated duration of program(s) and service(s)
   c. Date of annual review

7. **Special Media or Materials**
   These include media and materials which the student must have in order to benefit from special education (i.e., ramps, wheelchair, braces, etc.).

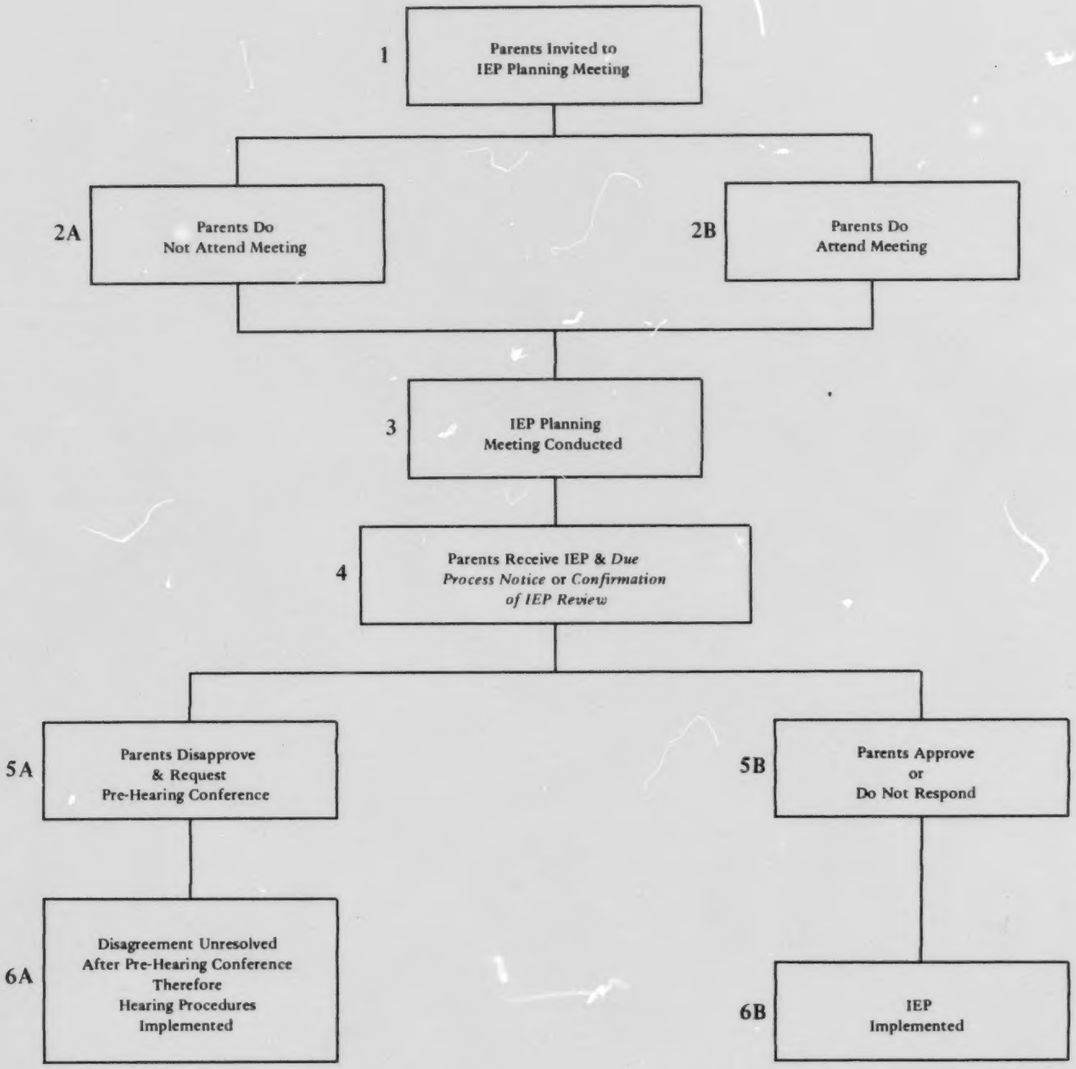
PHILOSOPHY

The "individualized education program" (IEP) is the cornerstone of P.L. 94-142. Rather than being an instructional plan specifying daily teacher-student activities, the IEP is conceived as a management instrument which reflects the development and implementation of an educational program to meet the individual needs of exceptional students. In essence, the IEP is, for each student, a summary document operationally defining an appropriate education.

The term "individualized educational program" itself conveys important concepts which need to be understood before writing an IEP. First, "individualized" means that the IEP must be addressed to specific educational needs of a single student rather than a class or group of students. Second, "educational" means that the IEP is limited to those annual goals, short-term objectives, and related services which are specially designed to meet the unique needs of an exceptional student. Third, "program" means that the IEP is a statement of what will actually be provided to the student and what he/she will hopefully achieve during the course of a year. IN THIS CONTEXT, SHORT-TERM OBJECTIVES REFLECT EDUCATIONAL "MILESTONES" TO BE ATTAINED DURING THE COURSE OF THE YEAR, NOT A DETAILED TASK ANALYSIS DEFINING EACH COMPONENT OF A SKILL WHICH IS TO BE MASTERED.

It should be emphasized that while the IEP is an agreement between the school district and the parents setting forth what will be provided to the student, it is not a contract. P.L. 94-142 assures that teachers will not be held accountable if the student fails to reach the goals and objectives specified on the IEP.

IEP DEVELOPMENT



NOTE: Every two years the development of an IEP must be preceded by a Reevaluation.

An Individualized Education Program (IEP) must be developed prior to initial special education placement, prior to a change in special education placement and at least once annually for an exceptional student.

1. The Local Education Agency must ensure that parents are afforded the opportunity to participate in the development of an IEP.
   - Newly Identified students
     – Use *Notice of Exceptionality (p.)*
   - Continuing Special Education Students
     – Use *Request for IEP Planning Meeting (p.)*
2. A. Parents do not desire to participate in the IEP Planning Meeting.

   OR

   B. Parents desire to participate in the development of the IEP by attending an IEP Planning Meeting.

3. The IEP Planning Meeting is held whether or not parents attend. Participants at the meeting must include:
   - Local Education Agency Representative (LEA Rep)
   - the student's teacher
   - the parents, if they choose to attend
   - the student, where appropriate
   - other persons at the request of the parents or Local Education Agency.

4. The IEP is completed and given to the parents at the end of the IEP Planning Meeting or sent to the parents shortly thereafter. The *Due Process Notice* (Notice of Recommended Assignment) is attached to the IEP.
   - for newly identified special education students
   - for any change in primary assignment (classification and/or setting), statement of integration, related services or annual goals
   - following a reevaluation.

   A *Confirmation of IEP Review* is attached to the IEP of continuing special education students whose IEP's have been reviewed.

5. A. The parents disapprove the program or placement, or both, and request a Pre-Hearing Conference by following the procedures specified on the *Due Process Notice*.

   OR

   B. The parents approve the program and placement or the parents make no response within ten (10) days if the IEP and *Due Process Notice* were mailed or five (5) days if the documents were given to the parents.

6. A. Due Process procedures are implemented if the parents do not approve the program or placement, or both, after the Pre-Hearing Conference

   OR

   B. Program as specified on the IEP and placement as specified on the *Due Process Notice* are implemented.

IEP PLANNING MEETING

The IEP Planning Meeting is the formal means of communication between the local education agency and parents for developing, reviewing or revising a student's Individualized Education Program.

Participants at the IEP Planning Meeting

1. *Teacher*
   A teacher must be present at all IEP Planning Meetings. For newly identified special education students, the student's regular teacher or a teacher qualified to provide education in the type of program in which the child may be placed, attends the meeting. The special education teacher is present at the IEP Planning Meeting for continuing special education students.

2. *Local Education Agency Representative*
   A representative of the Local Education Agency (LEA) must be present at all IEP Planning Meetings. The LEA Representative is a member of the school district or intermediate unit, other than the student's teacher, who is qualified to provide or supervise the provision of instruction specially designed to meet the needs of the student.

3. *Parents*
   Every effort must be made to ensure parent participation in the development of the student's IEP. Written notice must be sent to the parents to inform them that an IEP Planning Meeting will be arranged. A *Request for IEP Planning Meeting* is to be used for this purpose. If the parents do not respond to the *Request for IEP Planning Meeting*, then attempts to contact them must be made by telephone or by home visit. All written correspondence, phone contacts and home visits must be documented. The *Case Contact Log* is to be used for documentation. A surrogate parent must be appointed if the parents or legal guardians cannot be located.

4. *Member of the Evaluation Team*
   A member of the evaluation team or some person knowledgeable about the evaluation procedures used and familiar with the results of the evaluation must attend the IEP Planning Meeting for a newly identified student.

5. *Other Participants*
   Any educational personnel who may contribute to the development or implementation of the student's IEP should be informed of the IEP Planning Meeting.

   A representative of a Private Licensed Facility (PLF) may attend the IEP Planning Meeting if invited by the parents or local education agency. Persons from the Private Licensed Facility may not make educational decisions in place of the parents.

   The parents may also invite any other individuals to attend the IEP Planning Meeting. Students over the age of 18 have the right to attend the meeting. A student may attend the IEP Planning Meeting if deemed appropriate by the parents and the local education agency.

Topics to be Discussed at the IEP Planning Meeting

The Local Educational Agency Representative is responsible for ensuring that the steps listed below are followed at an IEP Planning Meeting:

1. Introduce the participants.
2. Explain the purpose of the meeting.
3. Discuss the student's present education levels including strengths and weaknesses. It is recommended that present education levels on the current IEP of continuing students be discussed as a basis of comparison to those present education levels which will appear on the new IEP.
4. Discuss annual goals and short term objectives. For continuing students, a comparison should be made between the annual goals and short term objectives of the current IEP and those which will appear on the new IEP. This will help parents understand why some annual goals and short term objectives may reappear on the newly developed IEP. Pre and post tests, samples of work, progress reports, skill inventories, etc. should be used to support what is being said to the parents.
5. Specify:
   - related services
   - special media and materials
   - primary assignment and statement of integration
   - dates for initiation and duration of the program and related services.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Check Appropriate Boxes:
- ☐ New Placement
- ☐ Review
- ☐ Revision
- ☐ Re-evaluation
- ☐ ESY-Eligible

1 SCHOOL DISTRICT OF RESIDENCE _____

2 Student's Name: _____

3 Birthdate: _____

4 Participants in IEP Development & Writing:

Name	Title

5 Current Assignment: _____

6 Date Written: _____

7 Date of Annual Review: _____

8 Operating Agent: _____

9 Person Responsible for Implementation of Program: _____

10 Date of IEP Planning Meeting: _____

	Primary Assignment and Statement of Integration:	Date of Initiation	Expected Duration of Services
11			
12			

	Related Services:	Date of Initiation	Expected Duration of Services
13			

16 Special Media or Materials: _____

Copies to:
- I – Teacher (Original)
- II – Parent
- III – Operating Agent
- IIII – District of Residence
- IIIII – Other

Form 13A - Rev. 6/30/80

DIRECTIONS TO COMPLETE PAGE 1 OF THE IEP (FORM 13A)

1. **School District of Residence**
   a. For students attending a public school, indicate the full name of the school district.
   b. For students attending an Approved Private School, indicate the district of residence of the student's parents.
   c. For students residing in a Private Licensed Facility, indicate the district in which the Private Licensed Facility is located.

2. **Student's Name**
   Indicate the student's full name.

3. **Birthdate**
   Indicate the month, day and year.

4. **Participants in IEP Development and Writing**
   a. *For Newly Identified Students* - List the names and titles of all participants in the IEP Planning Meeting. Those required to attend include:
      1) The LEA Representative
      2) The teacher of the student
      3) A member of the evaluation team
      4) The parents, if they choose to attend

      Also list those individuals who had input in the development of the IEP even though they may not have attended the IEP Planning Meeting. This would include any itinerant teachers who provide a program or service for the student.

   b. *For Continuing Placements* - List the names and titles of all participants in the IEP Planning Meeting. Those required to attend include:
      1) The LEA Representative
      2) The teacher of the student
      3) The parents, if they choose to attend

      Also list those individuals who had input in the development of the IEP even though they may not have attended the IEP Planning Meeting. This would include any itinerant teachers who provide a program or service for the student and a school psychologist on the year of reevaluation.

5. **Current Assignment**
   a. For a newly identified student, indicate the student's grade.

(continued)

b. For a continuing student, indicate the special education program(s) to which the student is currently assigned as listed below. Also indicate the grade, if applicable.

- Brain Injured
- Educable Mentally Retarded
- Hearing Impaired
- Learning and Adjustment*
- Learning Disabled
- Mentally Gifted
- Montgomery County Intermediate Unit Pre-School
- Physically Handicapped
- Severely and Profoundly Mentally Retarded
- Socially and Emotionally Disturbed
- Speech and Language Impaired
- Trainable Mentally Retarded
- Visually Impaired

*** This current assignment is to be used only by Montgomery County Intermediate Unit L&A teachers.**

6. **Date Written**

Indicate the date written as the month, day and year on which the IEP is finalized. This date will be the same date as the IEP Planning Meeting or any date thereafter.

> This is not the effective date. The effective date is the date the approved Due Process notice is returned to the school district.

7. **Date of Annual Review**

Indicate the month, day and year by which the yearly review of the IEP must be conducted. This date is exactly one year from the date written.

8. **Operating Agent**

a. For a district program, indicate the name of the local school district.
b. For an intermediate unit program, indicate the intermediate unit.
c. For an approved private school, indicate the name of the approved private school.

9. **Person Responsible for Implementation of the Program**

Indicate the name of the person responsible for ensuring that the student is receiving the program described by the IEP.

a. For a district-operated program:

- building principal

OR

- supervisor of special education

OR

- director of pupil personnel services

(continued)

b. For an intermediate unit operated program:
   - program supervisor

   OR

   - program director

c. For an approved private school program:
   - superintendent of the school district of residence

   AND

   - principal of the Approved Private School

10. Date of the IEP Planning Meeting

Indicate the month, day and year on which the meeting was held. If more than one meeting was held, indicate *all* dates.

11. Primary Assignment

List the special education program (column 1) as indicated in State Standards. Write out the full name of the program rather than using initials. Also list the setting (column 2) of the special education program (see below)

> If students have an overlay program of speech and language, hearing or vision, this must be included under Primary Assignment, except if this program is provided on a consultative basis.

Column 1 - Program

- Brain Injured Elementary
- Brain Injured Secondary
- Educable Mentally Retarded Elementary
- Educable Mentally Retarded Secondary
- Hearing Impaired Elementary
- * Learning & Adjustment (SED/BI) Elementary
- * Learning & Adjustment (SED/BI) Secondary
- Learning Disabled Elementary
- Learning Disabled Secondary
- Mentally Gifted Elementary
- Mentally Gifted Secondary
- Physically Handicapped Elementary
- Physically Handicapped Secondary
- Severely & Profoundly Mentally Retarded Elementary
- Severely & Profoundly Mentally Retarded Secondary
- Socially & Emotionally Disturbed Elementary
- Socially & Emotionally Disturbed Secondary

Column 2 - Settings

- Self-Contained
- Part-time
- Resource Room
- Itinerant

(continued)

Speech and Language Elementary
Speech and Language Secondary

- Trainable Mentally Retarded Elementary
- Trainable Mentally Retarded Secondary
- Visually Impaired Elementary
- Visually Impaired Secondary
- * Visually Impaired with Orientation & Mobility Programming Elementary
- * Visually Impaired with Orientation & Mobility Programming Secondary

*** These Primary Assignments are to be used by Montgomery County Intermediate Unit teachers.**

Examples of Primary Assignment

- Example of Primary Assignment for a student receiving an Itinerant Program:
  Regular Education with a Speech & Language Itinerant Program Elementary
- Example of Primary Assignment for a student placed in a Resource Room:
  Regular Education with Learning Disability Resource Room Secondary
- Example of Primary Assignment for a student placed in a Special Vocational Education placement (Work-Experience/PISCES):
  (Primary Assignment) with career vocational programming.

12. **Statement of Integration**
    Indicate the extent to which a student participates in regular education. For those students who do not participate in regular education a statement to this effect must be included.

13. **Related Services**
    a. *Mandated Related Services*
       1) Transportation - Indicate type
          - Transportation - Bus
            OR
          - Transportation - Walker
            OR
          - Transportation - Parent chooses to transport
       2) Physical Education - Indicate type
          - Regular physical education
            AND/OR
          - Adaptive physical education

            If a student participates in an adaptive physical education program which is the same for the entire class, goals and objectives are NOT to be written for adaptive physical education.

            If a student is receiving an adaptive physical education program which is individualized and not the same as what the other students in the adaptive physical education class receive, goals and objectives *must* be written.

(continued)

b. Additional Related Services

1) Depending on the individual needs of the students, any of the following, among others, will be included:

- Physical therapy - pending receipt of prescription from a doctor
  - The Montgomery County Intermediate Unit requires goals and objectives to be included under Gross Motor Skills.
- Occupational Therapy
  - The Montgomery County Intermediate Unit requires goals and objectives to be included under Gross Motor Skills, Fine Motor Skills, and Self-Care.
- Medical services - diagnostic purposes only
- Consultative services

14. Date of Initiation

Indicate the month and year in which each Primary Assignment and Related Service will begin. This date changes every year and indicates the date of initiation for each Primary Assignment and Related Service provided during that year only.

15. Expected Duration

Indicate the expected duration of each Primary Assignment and Related Service as month and year.

16. Special Media or Materials

Indicate special media or materials which a student must have in order to participate in a special education program. Examples are provided below:

a. wheelchairs
b. braces
c. helmets
d. braille texts
e. crutches

STUDENT NAME _____

DATE IEP WRITTEN _____

PRESENT EDUCATION LEVELS

Describe the student's present educational levels (educational strengths/weaknesses) in appropriate curricular areas. These may include, but are not limited to, academic achievement; vocational skills; self-help skills; social adaptation; emotional maturity; motor skills; hearing functioning; visual functioning (orientation and mobility); and speech/language skills. When appropriate, indicate the name of the test/instrument used, and the date of testing.

Copies to:
I – Teacher (Original) II – Parent III – Operating Agent IIII – District of Residence IIIII – Other

Form 138 - Rev. 6/30/80

DIRECTIONS TO COMPLETE PAGE 2 OF THE IEP (FORM 13B)

The information presented in the Present Education Levels section of the IEP should be a *summary* of how the student is currently functioning. All data should be educationally relevant and written so that it is meaningful to educators and understandable to parents.

The outline which follows can serve as a guide to how these levels are to be structured. It should be noted that reporting test scores is to be avoided in favor of a brief explanation of test results. For example, instead of giving stanines or percentile ranks, write a sentence or two indicating what the scores mean with regard to ability level and skill development. It is important to remember to first describe what the student *can* do and then move on to areas of need.

Information provided in the Present Education Levels must be substantiated. In addition to formal test information, Present Education Levels can incorporate the results of informal inventories, teacher constructed assessments, professional opinions, as well as teacher and parent observations.

The statement of Present Education Levels must relate directly to Annual Goals and Short Term Objectives. The instructional areas indicated in the Present Education Levels must have Annual Goals and Short Term Objectives written for them.

For continuing students, compare past performance with current performance. This provides the basis for any additions, deletions or changes in Annual Goals or Short Term Objectives. It also allows the student's progress from one year to the next to be gauged. For the handicapped student, after discussing capabilities within an instructional area, address any weaknesses; that is, where the student's skills begin to break down.

For the gifted student, concentrate on areas of strength since it is the student's outstanding ability which indicates exceptionality. However, skills which have never been developed and which may effect the student's ability to achieve his/her potential may be addressed.

PRESENT EDUCATION LEVELS OUTLINE

Instructional Area: _____

Evaluation Data (Formal and Informal)

Test Name	**Date Administered**	**Administered By (Position)**

Explanation (First summarize what skills/behaviors the student has mastered, *strengths*, then what skills/behaviors need to be worked upon, *weaknesses*. Also include a brief comparison of past versus current performance to provide the basis for additions, deletions, or changes in goals or objectives.)

Professional/parental support of evaluation data, if applicable (Observations, classroom performance, professional/parental opinions)

STUDENT NAME _____

DATE IEP WRITTEN _____

INSTRUCTIONAL AREAS & ANNUAL GOALS	SHORT TERM OBJECTIVES & EVALUATION (INCLUDE TERMINAL BEHAVIOR, CONDITIONS, AND CRITERION)

Copies to:
I – Teacher (Original) II – Parent III – Operating Agent IIII – District of Residence IIIII – Other

Form 13C - Rev. 6/30/80

DIRECTIONS TO COMPLETE PAGE 3 OF THE IEP (FORM 13C)

Instructional Areas

List the Instructional Areas with their corresponding Annual Goals in the left hand column of the page. Instructional Areas are synonymous with the subject areas of a particular curriculum.

Annual Goals

Annual Goals are to be listed beneath their corresponding Instructional Areas. They are written statements of what the student is expected to learn from the prescribed educational program. They represent broad targets of the student's program and the expected educational growth which is anticipated to take place over the course of one year. They should be general in scope, yet specific enough to focus on appropriate Instructional Areas. At least one Annual Goal must be written for each Instructional Area. The Instructional Areas to be addressed are those described in the statement of Present Education Levels. Therefore, Annual Goals should be supported by the assessment data reported in the Present Education Levels.

A clear distinction should exist between Instructional Areas and Annual Goals. Do not make the Instructional Area the same as the Annual Goal. For example, if reading is indicated as the Instructional Area, the Annual Goal should NOT be "_____ will extend his skills in Reading." Instead, divide the Instructional Area into subsections and formulate the Annual Goal(s) on this basis. See the example below.

Instructional Area	Annual Goals
Reading	_____ will improve the ability to decode unfamiliar words.
	_____ will increase sight vocabulary.

Short-Term Objectives

Short-Term Objectives are written in the right hand column of Form 13C next to their corresponding Annual Goals. They are the smaller, more specific steps through which a student would progress in order to reach an Annual Goal. However, even though the objectives are to be more detailed than the Annual Goals, they are *not* supposed to indicate the day to day instructional activities which would take place in the classroom. The IEP is meant to be a summary document and is to present an overview of a student's program rather than daily activities.

(continued)

Short-Term Objectives are composed of three parts and can be written either in a three-column format or as complete sentences.

1. **Terminal Behavior** - This describes what the student will be able to do in order to demonstrate what has been learned. Terminal behaviors are to be thought of as milestones. Anticipate what a student is expected to accomplish in the course of several weeks' or months' work. Then formulate the behavior according to the skills to be acquired over this period of time.

2. **Condition** - This describes the circumstances under which the student will perform. This establishes parameters within which the student must operate. Conditions may set restrictions or provide for allowances.

3. **Criterion of Evaluation** - This specifies the standards against which the outcome (terminal behavior) will be measured. The evaluation criterion will indicate a level of mastery. Evaluation criteria should be as objective as possible and a record of how the criteria have been met should be kept in the student's file.

   In determining the number of Short-Term Objectives to include for each Annual Goal, several factors must be considered. The severity of the student's handicap or the degree of the student's giftedness, the student's past rate of learning and behavioral factors such as attention skills, cooperation and maturation must be analyzed when projecting on a yearly basis. The recommended range of objectives per Annual Goal is two to eight.

IEP PROCEDURES FOR STUDENTS WITH MORE THAN ONE PRIMARY ASSIGNMENT

An IEP for a student with more than one primary assignment must be a single, composite document. The following procedures are to be followed to assure that the IEP contains the components for all primary assignments.

1. The special education teacher is responsible for notifying the itinerant program teacher/clinician of an upcoming Annual Review.

2. The itinerant program teacher/clinician will attend the Annual Review at his/her discretion.

3. The itinerant program teacher/clinician will give the special education teacher four NCR copies of the itinerant program portion of the reviewed or revised IEP and will keep the copy labeled "other".

4. The special education teacher should give the itinerant program teacher/clinician the copy labeled "other" of his/her portion of the IEP.

5. The special education teacher should forward the remaining copies of the composite IEP (including the itinerant program and the other primary assignment) to the program supervisor for distribution.

6. The special education teacher is responsible for listing the itinerant program on Form 13A of the IEP under Primary Assignment.

7. The supervisor of the special education program will provide the itinerant program teacher/clinician with a copy of the NORA after it is returned by the district.

IEP CHECKLIST

The "IEP Checklist" is to be used as a way of evaluating the accuracy and completeness of the IEP. All questions should be answered in the affirmative.

For individuals new to the IEP process, it is suggested that the first two or three IEPs be checked against this form.

For individuals who have had experience developing IEPs, this checklist should be used periodically to ensure correctness.

A. DEMOGRAPHIC DATA	YES	NO
1. Is it listed in the upper right hand corner whether the IEP was reviewed, revised, based on a reevaluation or for a newly identified student?	____	____
2. Is the student's name listed?	____	____
3. Is the student's birthdate listed?	____	____
4. Is the LEA Rep's name and title listed?	____	____
5. Is the teacher's name and title listed?	____	____
6. Are all others who attended the IEP Planning Meeting listed?	____	____
7. Are all those who developed any portions of the IEP listed?	____	____
8. Is the student's current assignment listed?	____	____
9. Is the date written stated as month, day and year?	____	____
10. Is the date written either the same day or after the IEP Planning Meeting?	____	____
11. Is the date of annual review stated as month, day and year?	____	____
12. Is the date of annual review listed as exactly one year from the date written?	____	____
13. Is the operating agency listed?	____	____
14. Is the name of the person responsible for implementation of the program listed?	____	____
15. Is the date of the IEP Planning Meeting listed as month, day and year?	____	____
16. If more than one IEP Planning Meeting was held, are all dates listed?	____	____
17. Is the date of the IEP Planning Meeting either on the same day or prior to the date written?	____	____

		YES	NO
B.	**PRIMARY ASSIGNMENT AND STATEMENT OF INTEGRATION**		
1.	Is the student's primary assignment listed as classification and setting?	___	___
2.	Is the primary assignment written without using initials?	___	___
3.	If the student receives an overlay itinerant program (speech, hearing, vision), is it listed under primary assignment?	___	___
4.	Is the date of initiation stated as month and year?	___	___
5.	Is the date of initiation the same month and year as the date written?	___	___
6.	Is the duration listed as month and year?	___	___
7.	Is there a statement of integration listed even if the student does not participate in regular education at all?	___	___
C.	**RELATED SERVICES**		
1.	Is the type of transportation listed?	___	___
2.	Is the type of physical education listed?	___	___
3.	If the student receives other related services, are they listed?	___	___
4.	Is the date of initiation stated as month and year for each service?	___	___
5.	Is the date of initiation the same month and year as the date written?	___	___
6.	Is the duration listed as month and year for each service?	___	___
D.	**SPECIAL MEDIA AND MATERIALS**		
1.	If the student requires special media or materials, (such as wheelchair, helmet, braille, communication board, etc.) are they listed?	___	___
E.	**PRESENT EDUCATION LEVELS**		
1.	Are test names and dates listed?	___	___
2.	Are the test administrators listed?	___	___
3.	Are test scores explained?	___	___
4.	Is professional and parental support of data included?	___	___
5.	Are strengths listed as well as weaknesses?	___	___

F. ANNUAL GOALS	YES	NO
1. Is there at least one goal for every instructional area discussed in present education levels?	___	___
2. Are goals listed under their instructional areas?	___	___
3. Are the goals general statements?	___	___
G. SHORT TERM OBJECTIVES		
1. Are at least two objectives listed for each annual goal?	___	___
2. Do the objectives address the major steps necessary to reach the goals?	___	___
3. Does each objective describe the terminal behavior?	___	___
4. Does each objective describe the conditions under which the behavior will occur?	___	___
5. Does each objective have an evaluation criterion?	___	___

IEP PROCEDURES FOR EXCEPTIONAL STUDENTS IN VOCATIONAL PROGRAMS

IEP development procedures differ according to the particular vocational program placement. The vocational program placements available to students in I. U. programs are:

1. Placement in a vocational-technical program (one of the county Vo-Tech schools)
2. Placement in the PISCES or Work-Experience Program
3. Pre-vocational/career education provided within the special educational classroom setting.

The IEP procedures for each of these vocational education program placements are outlined below. Program supervisors should be contacted if questions arise regarding implementation of these procedures.

A. Regular Vocational Education Placement without Modification

1. This occurs when a student is mainstreamed or integrated into a vocational-technical program placement (the student is attending one of the county Vo-Tech schools) or a comprehensive high school program without the need for unique program adaptations and/or additional supportive services or personnel.

2. IEP procedures:
   a. Specific goals and objectives are *not* needed, since such programs would not be considered special education.
   b. The vocational placement will be indicated in the *Statement of Integration* in the following manner: (student's name) will be integrated into the vocational-technical program, if and when appropriate.

   NOTE: The above statement would appear on IEP Form 13A on the two lines designated for statement of integration, below the primary assignment. *Do not specify the vocational instructional area within the statement of integration for vocational-technical school placements.*

B. Special Vocational Education Placement (Work-Experience Program/PISCES)

1. This category includes the following cases:
   a. All work-experience programs which are specially developed for exceptional students
   b. Classroom pre-vocational training for those students currently in work-experience programs
   c. A work-experience placement for those students identified as ready but not yet placed

2. IEP procedures:
   a. Prior to placement in a work-experience, an IEP Planning Meeting is to be held.

b. Primary Assignment: The following phrase should be included under Primary Assignment on Form 13A - " (Primary Assignment) with career/vocational programming."

c. Since the entire vocational program is specially designed to meet the unique needs of the handicapped students, this *requires goals and objectives* analogous to any other special education program. The classroom teacher and the work-experience coordinator or PISCES coordinator should meet to develop goals and objectives together.

d. The Project PISCES coordinator is to be invited to the IEP Planning Meeting for all secondary emotionally disturbed, brain injured and learning disabled students. The work-experience program coordinators are to be invited to such meetings for all other secondary Intermediate Unit students *not* served by Project PISCES.

e. The classroom teacher is responsible for notifying the appropriate coordinator as to when each IEP conference will be held.

C. **Pre-Vocational Classroom Programming**

1. This occurs when pre-vocational/career education is provided within the special education classroom setting. This refers to students who have *not yet been identified* as ready for a work-experience or vocational-technical school placement.

2. IEP procedures:

a. The IEP should include a separate instructional area identified as either "Pre-Vocational Skills" or "Career Education" with specific goals and objectives.

b. Some Pre-Vocational/Career Education activities may appear in the IEP under other appropriate instructional areas with specific goals and objectives (i.e., self-help, independent living skills, math, social-emotional).

PARENT PARTICIPATION IN THE IEP PROCESS

One of the purposes of P.L. 94-142 is to encourage and provide for active participation by parents in the planning of an Individualized Education Program for their child.

A. IEP Planning Meeting

Each local education agency is to take steps to ensure that the parents (guardian or surrogate parent) are present at the IEP Planning Meeting, or are afforded the opportunity to participate. Parents participate in IEP Planning Meetings by providing relevant information about the student and assisting in the development of the components of the IEP.

Parents may be notified of IEP Planning Meetings via written correspondence, telephone calls or home visits. At least two of these methods of communication must be attempted. Documentation of attempts to arrange an IEP Planning Meeting must be kept. This documentation is to include detailed records of telephone calls, copies of correspondence sent with any responses received and detailed records of visits made to the home or place of employment. It is permissable to hold an IEP Planning Meeting without the parents only if reasonable attempts to involve parents have been made and have failed. If, after repeated attempts, parents are unlocatable, investigate whether a surrogate parent is needed (See Section on "Surrogate Parents", p. 24).

The IEP Planning Meeting is to be scheduled at a mutually agreed upon time and place unless this is clearly not possible. The meeting may be conducted on the telephone in cases where it is not possible or practical for all participants to attend.

Parents are to be given the opportunity to actively participate in the development of their child's IEP. If a parent has a communication barrier, the local education agency must provide an interpreter or take whatever action necessary to ensure that the parent understands the proceedings. Parents have the right to request an IEP Planning Meeting at any time in order to review their child's program and/or placement.

B. Options for Approval or Disapproval

Parents have the option of approving or disapproving their child's program and/or placement. The vehicle for indicating approval or disapproval is the *Notice of Recommended Assignment*.

C. Access to Student Records

1. Parents are guaranteed access to their child's education records under the Family Education Rights and Privacy Amendments of 1974 (P.L. 93-38), the Education for All Handicapped Children Act (P.L. 94-142) and the Pennsylvania State Standards for Special Education (PA Code 22, Chap. 341).

2. In addition to inspecting records, parents are entitled to request and receive the following information:
   a. a list of the types and locations of their child's education records
   b. a copy of all or part of their child's education records
   c. an explanation of the information in their child's education records.

3. Requests for access to records must be fulfilled within thirty (30) days of the receipt of the request by the school district or intermediate unit. Requests made relating to an upcoming IEP Planning Meeting must be fulfilled prior to that meeting.

INDIVIDUALS WHO CAN MAKE EDUCATIONAL DECISIONS

A. Natural Parents

All procedural safeguards and involvement in IEP development must be accorded to a child's natural parents unless the parents' rights have been terminated. The rights of natural parents can only be terminated by one of the following situations:

1. juvenile court indicates that the parent is not to be involved in educational decisions
2. the parent cannot be located or is unavailable after reasonable search
3. the child is adopted.

A surrogate parent must be appointed in the first two cases by the intermediate unit.

B. Guardians

Guardians must be accorded the same procedural safeguards and involvement in the IEP process as natural parents. A guardian is a person who has been given or who has assumed the responsibility for the care of a child. A guardian may exist in the following circumstances:

1. a guardian may be designated in a provision of the will of a child's parent
2. a child's next-of-kin may assume responsibility for the care of an orphan
3. a court may appoint a person as "legal" guardian of a child.

C. Surrogate Parents

The Pennsylvania Standards for Special Education (Sec. 341.1) define a surrogate parent as "a person appointed by the intermediate unit to act as the parent of a school-aged person when the parents are not known or unavailable or when the school-aged person is a ward of the state." This also includes the existence of the conditions listed under "Natural Parents" for the termination of the natural parents' rights.

Any person who has no interests which conflict with the interests of the child and who has the knowledge and skills to ensure adequate representation of the child may be appointed as a surrogate parent. However, a person who is an employee of a public agency which is involved in the education of a child may not be a surrogate parent for that child. This means employees of an agency which has custody of a child can not be appointed as surrogate parents. If any questions arise as to the need for a surrogate parent, contact the person in the intermediate unit who is in charge of appointing surrogate parents.

D. Foster Parents

The natural parents of a child in foster care retain the right to make educational decisions unless the parents' rights have been terminated.

Foster parents may make educational decisions only if they are appointed as surrogate parents. If not assigned as surrogate parents, foster parents can still provide input in the development of a student's IEP.

Once a year, the local education agency must initiate and conduct a meeting (IEP Planning Meeting) to examine the appropriateness of the existing Individualized Education Program and to make any changes which are needed. This IEP Planning Meeting is referred to as the Annual Review Meeting.

§ 341.17 "Each Individualized Education Program shall be reviewed at least annually and, if appropriate, revised in accordance with § 341.16 (relating to conference)."

PROCEDURES FOR CONDUCTING AN ANNUAL REVIEW MEETING

(IEP Planning Meeting)

1. Send the *Request for an IEP Planning Meeting* to the parents.

2. Use the *Case Contact Log* to document attempts to contact the parents to schedule the meeting.

3. Update Present Education Levels.

4. Hold the Annual Review Meeting (IEP Planning Meeting) and use the *Planning Meeting Checklist* for documentation.

5. The following participants should be in attendance:
   a. LEA Representative
   b. Teacher, clinician and therapist
   c. Parent(s), if they choose to attend
   d. Student, if appropriate
   e. Any other individual, at the discretion of the parents or the local educational agency.

   (S.S. 341.16 - Federal Reg. 121 a.344)

6. Complete the IEP forms 13A, 13B, and 13C.

7. As a result of input provided by the participants at the Annual Review Meeting (IEP Planning Meeting) changes in the IEP will occur. The changes are classified as follows:

Reviewed IEP

Changes in:

- Short-Term objectives
- Dates
- Present Educational Levels

Revised IEP

Changes in:

- Annual goals
- Primary Assignment and/or Statement of Integration
- Related Services

(continued)

When the IEP document is completed the parents are to receive the following:

Reviewed IEP

- IEP with *Confirmation of Review*
- Cover Letter

OR

- If this review was preceded by a re-evaluation, the IEP must be sent with a *Notice of Recommended Assignment* and a Cover Letter. This is sent by the student's school district of residence.

Revised IEP

- IEP with *Notice of Recommended Assignment.* This is sent by the student's school district of residence.
- Cover Letter

REEVALUATION

Every two years, a reevaluation must precede the Annual Review Meeting (IEP Planning Meeting). At least once every two years, the review/revision should be based on an analysis of the documented cumulative record of the student by a team. [§ 341.17 (b)]

1. The team consists of [S.S. 341.13 (g)]
   a. certified public school psychologist
   b. teacher of the student
   c. supervisor of special education and/or LEA Representative.

2. Educational records to be included, but not limited to, in the analysis by the team are:
   a. existing IEP
   b. most recent psychological report
   c. up-to-date academic records
   d. ancillary services reports (e.g., psychiatric, social work, etc.)
   e. itinerant programs reports (e.g., speech, hearing, vision).

3. Prior to the two year reevaluation the *Notice of Intent to Reevaluate* is sent to the parents. This must be done for *all* exceptional students including gifted, speech, hearing and vision students.

4. A review of the student's cumulative record folder is conducted by the team and:
   a. If no psychological or clinical testing is required, a summary of the reevaluation results is written and placed in the student's file.
   b. If testing is required and this testing is of the *same* type as previously administered assessments, written notification of the type of test(s) and date(s) of testing must be sent to the parents. For example, if an individual intelligence test were given in the past and another individual intelligence test needs to be readministered, parents must be informed in writing of the type and date of the test. However, parental consent is *NOT* required in this instance. Use the *Notice of Intent to Reevaluate (Testing).*
   c. If testing is required and this testing is not of the same type as previously administered assessments, written notification of the test(s) and date(s) of testing must be sent to the parents and written consent from the parents must be received. Use the *Request for Permission to Evaluate.*

IMPORTANT NOTE:

Other than the two year cycle, a reevaluation must take place:

1. if a change in primary assignment is being considered which would result in a change in classification
2. upon parental or LEA request

DISMISSAL PROCEDURES

1. **Dismissing a Special Education Student Without a Continuing Itinerant Program**
When a teacher and supervisor feel that a student may no longer be in need of special education and related services, the steps listed below are to be followed:
   a. Fill out a referral for reevaluation.
   b. Send the *Notice of Intent to Reevaluate* to the parents.
   c. Conduct a reevaluation.
   d. Send the *Invitation to IEP Planning Meeting* to parents.
   e. Hold an IEP Planning Meeting.
   f. Give/send page one (Form 13A) of the IEP and a new *Notice of Recommended Assignment* to the parents.

      Fill out the top third of the first page of the IEP (Form 13A) listing the student's primary assignment as "Regular Education".

2. **Dismissing a Special Education Student With a Continuing Itinerant Program**
When a special education student who is also receiving a speech, hearing and/or vision program is to be dismissed from special education but will continue to receive a speech, hearing and/or vision program, the steps listed below are to be followed:
   a. Fill out a referral for reevaluation.
   b. Send the *Notice of Intent to Reevaluate* to the parents.
   c. Conduct a reevaluation.
   d. Send an *Invitation to an IEP Planning Meeting* to the parents.
   e. Hold an IEP Planning Meeting.
   f. Give/send the new IEP, a *Notice of Recommended Assignment* and the appropriate cover letter to the parents.

   The change in the student's program is reflected in the new IEP and *Notice of Recommended Assignment*. The IEP will contain only the itinerant portions of the original IEP which are to be continued. If the itinerant program is speech, then the *Speech Notice of Recommended Assignment* is used.

3. **Speech Dismissal Procedures**
When a student is to be dismissed from a Speech and Language program, the steps listed below are to be followed:
   a. Send the *Notice of Intent to Reevaluate a Speech Only Student*.
   b. Conduct a Speech reevaluation.
   c. Send an *Invitation to an IEP Planning Meeting* to the parents.
   d. Hold an IEP Planning Meeting.
   e. If the student only receives speech, send the *Speech Cover Letter*, the *Speech Notice of Recommended Assignment* and the first page of the IEP (indicating regular education under primary Assignment to the parents).

      OR

      If the child is remaining in another special education placement, send the remaining portions of the IEP deleting the Speech section, along with the general *Notice of Recommended Assignment* to the parents. A cover letter may be necessary to explain the changes to the parents.

4. **Parent Initiated Requests for Dismissal**
Parents, as well as a school district, can request a reevaluation in order to determine if their child is still in need of special education and related services. When a school district receives such a request, it is necessary to respond to the parent using the form *Response to Parent-Initiated Requests for Evaluation or Due Process.*

IEP PROCEDURES FOR GRADUATING STUDENTS

A special education student is to be graduated from school upon completion of the school year in which he/she turns twenty-one and/or satisfactorily completed an approved special education program. At the end of the student's last school year, the current IEP should be changed to read, "Satisfactory completion of program" on the first page of the IEP in the space under Primary Assignment. The entire IEP and a *Notice of Recommended Assignment* is then presented to the parents or student in person or by certified mail.

Satisfactory completion of special education courses for exceptional school-aged persons is determined by the special education teacher in consultation with the principal of the school and the supervisor of Special Education.

Each exceptional school-aged person, except trainable and profoundly mentally retarded persons, satisfactorily completing special education programs at the high school level shall be graduated and issued a regular high school diploma in the district of residence in accordance with standards established by the Secretary of Education.

Trainable and profoundly mentally retarded persons satisfactorily completing an approved special education program shall be issued a certificate in accordance with standards established by the Secretary of Education.

TRANSFER STUDENTS

When an exceptional student transfers out of a school district, the sending school district is not responsible for issuing a *Notice of Recommended Assignment.* However, the receiving school district is to initiate the following steps prior to student placement to insure the accordance of the necessary due process rights.

1. Obtain a copy of the IEP from the student's prior placement.
2. Tentatively place the student in the primary assignment indicated on this IEP.
3. Conduct a reevaluation to determine if a change in primary assignment is warranted.
4. Conduct an IEP Planning Meeting to review and/or revise the IEP.
5. Issue a copy of the new IEP as well as a *Notice of Recommended Assignment* to the parents.
6. Place the child upon parental consent or lack of response by parents.

DUE PROCESS PROCEDURES

(NOTICE OF RECOMMENDED ASSIGNMENT)

Due process procedures are the administrative safeguards which ensure that each exceptional student receives a free, appropriate public education.

These procedural safeguards require that school districts and intermediate units must work with the student's parents, guardians or surrogate parents with respect to all matters of identification, evaluation and educational placement. This means that the Local Educational Agency (LEA) must give parents written notification of the:

- administration of individual evaluations of a student,
- identification of the student as exceptional or non-exceptional,
- assignment of the student to a special program or change in that assignment.

The *Notice of Recommended Assignment* (NORA) is the form mandated by the Pennsylvania Department of Education to be issued to parents:

- prior to initial assignment for an exceptional, or thought to be exceptional student,
- prior to any change in assignment for an exceptional, or thought to be exceptional student and
- following reevaluation (and the subsequent review and/or revision) which is conducted at least every two years.

An IEP must be attached to the *Notice of Recommended Assignment.* The Notice may either be mailed (certified mail, return receipt requested) or presented in person to the parents. A list of placement options which were considered and reasons these alternatives were found not appropriate must be attached to the *Notice of Recommended Assignment.* The parents are given ten days to respond if the Notice is mailed. No response by the parents within ten days implies approval, although parents have the right to disapprove anytime thereafter. If the Notice is presented in person, the parents are given five days to respond.

NOTICE OF RECOMMENDED ASSIGNMENT

(DUE PROCESS NOTICE) _____
(Date)

_____

_____

_____
(Name, Address of Parent)

Dear _____,

The school district recommends that _____ presently in
(name of student)

_____ be placed/continued in _____
(present educational assignment) (recommended assignment)

operated by _____ in _____.
(operating agency) (location)

As you are aware, an individualized education program has been developed; a copy is attached. (A student who is no longer in need of special education will not have an IEP.)

Before this recommendation is implemented, you have the right to further discussion with school officials and the right to a hearing before a designee of the State Secretary of Education. Attached is an outline of your rights concerning the educational program.

If you approve the recommendation, please indicate this by signing below; then return a copy of this page. Keep a copy for your records.

If you do not approve, please indicate this by signing below and listing the reasons; then return a copy of this page.

Please respond within 5 days if this was given to you in person, or within 10 days if you received this by mail. If you do not respond within the stated time, it will indicate that you approve the recommendation, and the program will be implemented.

_____
(Signature, School District Superintendent)

For further information contact: _____

Return this to: _____

____ I approve this recommendation and do not wish to request a pre-hearing conference or a hearing.

____ I do not approve this recommendation. I request a pre-hearing conference. My reasons for not approving are: _____

_____

_____

_____

_____ _____
(Date) (Signature of Parent/Parents)

Dear Parent:

State and federal law regulations outline your rights and the safeguards to be followed in providing a free appropriate public education.

The following educational programs may be available: regular class, a regular class with supportive services, an itinerant program, a resource room, a part-time special class, a full-time special class in a regular school, a full-time special class in a special facility, an approved private school, a state school program, an approved out-of-state program, an intermediate unit program of instruction in the home.

The primary responsibility for providing an appropriate program is that of the local school district. When the school district cannot provide an appropriate program, it shall use the intermediate unit. Approved private schools, state schools and out-of-state institutions may be used, where intermediate unit boards and school district boards agree that they cannot provide effectively and efficiently for certain handicapped school-aged persons.

At any time you may be represented by the person of your choice and may obtain an independent evaluation at your expense.

You have the right to an independent evaluation at public expense if you disagree with the school's evaluation. However, the school may initiate a hearing to show that its evaluation is appropriate. The result of the hearing would determine whether an independent evaluation at public expense must be provided.

At any time you will be given reasonable access to all school district or intermediate unit records concerning the student, including all test results or reports upon which the recommendation may be based. This will be in accord with 22 Pa. Code §341.61.

At any time you feel that the program is not appropriate you may initiate due process procedures by forwarding written evidence of this to the school district. You may also request re-evaluation of the student and/or revisions to the Individualized Education Program.

Before the recommended placement and program is implemented, you have the right to further discussion of the recommendation. When this discussion does not resolve differences, you have the right to request a hearing before a hearing officer who is a designee of the State Secretary of Education.

A "PRE-HEARING CONFERENCE" is to be held before a hearing can be scheduled. This conference is held with you and school officials to discuss your concerns about the recommended program. The state hearing officer is not present at this conference.

FOLLOWING ARE DETAILS ABOUT THE PRE-HEARING CONFERENCE:

- The Pre-Hearing Conference will be scheduled within 10 days from the date the school receives your request.
- You may request an evaluation or re-evaluation, which is to be completed before this conference.
- You may request from the school district or intermediate unit a copy of the report of the evaluation or re-evaluation of the student.
- The Pre-Hearing Conference will include but not be limited to: the parent, guardian, surrogate parent and/or student, if appropriate; a representative of the school district; and the evaluator(s) and the guidance counselor, if appropriate.
- The school district and/or intermediate unit personnel will provide written evidence to support the appropriateness of the recommended program.
- You may present records or reports, not previously available to the district or intermediate unit, which you feel will be helpful in determining the appropriateness of the recommended assignment.

- You may be accompanied by any person of your choice, including legal counsel, to either advise or represent you at the conference.
- At the Pre-Hearing Conference, every attempt will be made to reach agreement on an appropriate placement and program. The purpose of the conference is to foster discussion and not confrontation.
- Following the Pre-Hearing Conference, you will be given documentation of the conference. You may then give approval or may request a hearing before a designee of the State Secretary of Education.

FOLLOWING ARE DETAILS ABOUT THE HEARING:

- The hearing will be oral and personal. The purpose of the hearing is to determine whether the recommended program is appropriate.
- The school district will forward your request to the Department of Education within 10 days from the date the district receives your request for a hearing.
- An impartial hearing officer will be assigned as a designee of the Secretary of Education.
- No change will be made in the student's educational assignment until a decision has been rendered by the hearing officer (unless you agree in writing with the school officials to do otherwise).
- The hearing will be held no sooner than 15 days nor later than 30 days from the date your hearing request is received by the Department of Education.
- The school district will contact you to set a convenient date for the hearing.
- The hearing will be held in your local school district and may be held in the evening, if you wish.
- You may be represented by any person of your choice, including legal counsel.
- You have the right to present evidence, including expert medical, psychological and educational testimony. Any evidence which you present is to be disclosed to the school district/intermediate unit at least 5 days before the hearing.
- Any evidence which the school district/intermediate unit presents is to be disclosed to you at least 5 days before the hearing.
- A transcript of the hearing will be made; a copy will be at the school district or intermediate unit office. You may review this copy or, at the hearing, you may request your own copy free of charge.
- You have the right to compel the attendance of any school official, employee or agent of a school district, intermediate unit or the Department of Education who may have evidence directly relevant to the recommended assignment. You may confront and pose questions to any witness at the hearing.
- You have the right to decide whether the hearing will be open to the public or closed and private. The hearing will be closed and private unless you specifically request an open hearing.
- If the hearing is closed and private, then only you, the student (if appropriate), your representative(s), school officials, other witnesses, the hearing officer and the recorder will be present. When a hearing decision is made, it will only be released in an identifiable form to you and to those persons who must implement it. If you choose to have a closed hearing, you may designate friends or observers whom you wish to be present.
- If the hearing is open to the public, anyone may attend it. When a hearing decision is made, it may be released with the student's name and will be available to interested persons. The transcript, letters, documents, reports, test results and other material from the hearing will not be released to the public beyond the extent to which they appear in the decision.

- The decision of the hearing officer will be based solely on the evidence presented at the hearing. The hearing officer will decide whether the recommended assignment is appropriate. If the hearing officer decides that the assignment is inadequate or inappropriate for your child and if the hearing officer feels that there is substantial evidence to show that your child is in need of special education, he/she may recommend an alternate type of special education for your child or modifications in the school district/intermediate unit proposed program.

- The decision will be made within 20 days of the hearing. It will be in writing, and will contain findings of fact and conclusions of the law. The decision will be sent to you by certified mail.

- Within 10 days of the date your receive the decision, the school district will contact you to schedule a conference to develop an Individualized Education Program, if appropriate. It is the responsibility of the school district to implement the decision.

- You, the school district or the intermediate unit, may appeal the decision of the hearing officer to the Secretary of Education who will review your objections to the hearing officer's decision. The appeal procedures will be attached to your copy of the decision. If the decision is appealed, there is to be no change in assignment, unless you agree in writing with school officials to do so.

- The decision of the Secretary of Education on your objections may in turn be appealed to Pennsylvania Commonwealth Court or, pursuant to 22 U.S.C. §1401 et seq., to Federal district court.

THE APPLICABLE LAWS AND REGULATIONS ARE:

22 Purdons Statutes §5-501, §§13-1371, 13-1372, 13-1373.1, 13-1374, 13-1376 and 13-1377, Pennsylvania School Code.

22 Pa. Code, Chapter 13, Regulations of the State Board of Education for Special Education.

22 Pa. Code, Chapter 341, Standards for Special Education.

20 USC §1401 et seq., Public Law 94-142, The Education of All Handicapped Children Act.

45 CFR, §121a.2-754 Rules and Regulations for Education of Handicapped Children, Federal Register, Vol. 42, No. 163, Tuesday, August 23, 1977.

If the student is mentally disabled, mentally retarded or emotionally disturbed, he/she is entitled, under the Pennsylvania Mental Health and Mental Retardation Act of 1966 and the Pennsylvania Mental Health Procedures Act of 1976, to the services of a local MH/MR center for an independent medical, psychological and educational evaluation.

_____
(name/address/phone - MH-MR Base Service Unit)

_____

Following is a list of organizations which may assist you:

Local chapter of the Pennsylvania Association for Retarded Citizens:

_____
(name/address/phone)

_____

Local legal services agency:

_____
(name/address/phone)

_____

Other organizations which may assist you:

_____
(name/address/phone)

_____

_____
(name/address/phone)

_____

PLACEMENT OPTIONS

Section 13.32 of STATE BOARD OF EDUCATION REGULATIONS requires the NOTICE OF RECOMMENDED ASSIGNMENT include a list of educational placement options considered and the reasons why these alternatives were not recommended.

Listed below are the educational assignments considered for your child, and the reasons each placement was found inappropriate.

☐ 1. Placement Option (specify): _____

This placement was considered but found inappropriate because:

— this placement does not meet the student's learning needs

— this placement does not provide the student with the opportunity for integration to the maximum extent appropriate with children who are not handicapped

— other (explain) _____

_____

☐ 2. Placement Option (specify): _____

This placement was considered but found inappropriate because:

— this placement does not meet the student's learning needs

— this placement does not provide the student with the opportunity for integration to the maximum extent appropriate with children who are not handicapped

— other (explain) _____

_____

☐ 3. Placement Option (specify): _____

This placement was considered but found inappropriate because:

— this placement does not meet the student's learning needs

— this placement does not provide the student with the opportunity for integration to the maximum extent appropriate with children who are not handicapped

— other (explain) _____

_____

RESPONSE TO PARENT - INITIATED PROCEDURES

This form is sent to the parents within ten (10) days of receipt of:

1. the parent's request to conduct an evaluation of their child

OR

2. written evidence supporting the contention that their child is exceptional and not receiving an appropriate program or that their child is not exceptional and is classified as such.

RESPONSE TO PARENT-INITIATED PROCEDURES

[Address block giving the name and address of the student, parent, guardian or surrogate parent.]

[Address block identifying the name, title, school and school address of the school official sending this letter (if the letter is typed on letterhead paper, this block may not be necessary)]

Dear _____:
(Complete Name of Parent or Student)

_____
(Date)

This letter confirms that you are either requesting an evaluation or submitting written evidence that

_____ is exceptional and is not receiving an appropriate
(Name of Student and Present Educational Assignment)

educational program, or not exceptional and is classified as exceptional.

A meeting will be scheduled to discuss your concerns. To prepare for this meeting the school district may:

1. Prepare written evidence to support the appropriateness of the student's current educational program; or
2. Prepare to participate in the development of an IEP.

Should the school district feel it necessary to conduct an evaluation prior to this meeting, you will be notified.

If a recommendation for a change in the student's educational program results from the meeting, you will be given the opportunity to request a hearing if you disagree with the Individualized Education Program (IEP) and/or recommended assignment. In the meantime, no changes will be made in the student's placement or program.

Sincerely,

_____
(School District Superintendent)

REQUEST FOR PERMISSION TO EVALUATE

This form is sent to the parents to:

1. obtain permission to evaluate a student who is not receiving special education

OR

2. obtain permission to do testing or other procedures which were never previously employed to complete an evaluation or a reevaluation.

REQUEST FOR PERMISSION TO EVALUATE

[Address block giving the name and address of the student, parent, guardian or surrogate parent]

[Address block identifying the name, title, school and school address of the school official requesting permission for the evaluation (if the letter is typed on letterhead paper, this block may not be necessary)]

_____
(Date)

Dear _____ :
(Complete Name of Parent or Student)

_____ would like to provide an evaluation
(School District or Intermediate Unit)

for _____ to assure that he/she has an appropriate education program.
(Student's Complete Name)

The student has been referred for evaluation for the following reasons: _____

_____

The plan for evaluation includes:

Type of Test/Procedure	Proposed Date of Evaluation
_____	_____
_____	_____
_____	_____

You have the right to see and study all the information in the student's school record. Since all of your questions may not be answered by reviewing these records, you may also wish to meet with a school psychologist to discuss the recommended referral and/or the evaluation procedures. To obtain the student's records or to arrange a conference, you may call

_____
Specify staff member, phone number and hours during the day when he/she can be reached.

If this evaluation shows that the student is eligible for special education programs and services, we will ask for your assistance in preparing an individualized educatio program.

You may already have enough information to reach a decision about the evaluation without reviewing the student's records or requesting a conference. If this is the case, please indicate your decision by signing in the appropriate space below.

[If you agree to an evaluation as outlined above, please sign here:]

[If you do NOT agree to an evaluation, as outlined above, at this time, please sign here. We will contact you to arrange a personal conference as soon as possible. You also have the right to request a hearing concerning this proposed evaluation.]

_____
(Signature of Parent or Student)

_____
(Signature of Parent or Student)

_____
(Date)

_____
(Date)

_____
(Signature of Parent or Student)

_____
(Signature of Parent or Student)

_____
(Date)

_____
(Date)

Please return this letter in the enclosed envelope within 10 days of receipt. Thank you for your cooperation.

_____

REQUEST FOR PERMISSION TO EVALUATE (SPEECH)

This form is sent to parents by the speech clinician to request permission to evaluate the student for a speech and language impairment.

REQUEST FOR PERMISSION TO EVALUATE (SPEECH)

The _____ School District with the cooperation of the Montgomery County Intermediate Unit would like to provide a speech and/or language evaluation for _____
(Student's Name)

The student has been referred for evaluation for the following reasons:

_____

_____

_____

According to State Standards, an evaluation must be performed:

1) before any person can be placed in a special education program or service
2) before any person can be denied placement following a parent-initiated request for a special education program or service.

Prior to approval or disapproval of the evaluation, the parent has the right to inspect and review all relevant school records; be informed of the procedures and specific types of tests which will be used in the evaluation, and the approximate dates of such procedures. Parents have the right to meet with a certified speech clinician to discuss the referral and proposed evaluation procedures. Parents have the right to object to the evaluation and in so doing request a hearing.

Our proposed plan for evaluation includes the following:

Procedures	**Proposed Dates of Evaluation**
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

To review the student's records, to arrange a conference, or for more information call:

_____
(Specify responsible person, telephone number and hours during the day when he/she can be reached.)

____ I hereby grant permission for the evaluation as indicated above.

____ I hereby deny permission for the evaluation as indicated above.

_____ _____
(Signature of Parent(s) or Guardian(s)) (Date)

PLEASE KEEP ONE COPY AND RETURN THE OTHER COPY IN THE ENCLOSED ENVELOPE.

Form 9A - Rev. 6/9/80

NOTICE THAT A STUDENT IS EXCEPTIONAL

This form is sent to parents by the superintendent of a school district after a student is evaluated and is found to be exceptional and in need of a special program and services. It is sent after the parents have had the opportunity to attend a conference to discuss the evaluation findings. The form also includes an invitation to attend the IEP Planning Meeting.

NOTICE THAT A STUDENT IS EXCEPTIONAL

Dear Parent (Guardian):

_____ has provided an evaluation for _____
(School District) (Student's Name)

to assure that he/she has an appropriate educational program. This evaluation and review of data was conducted by a District Evaluation Team. The evaluation results indicate that your child is exceptional and is in need of a special education program and service.

You have the right to review all data collected on your child. If you have not had a conference to discuss the evaluation findings, you may request such a conference.

You are requested to attend an IEP Planning Meeting so that you may provide input and be fully informed concerning the program and/or placement of your child. Participants at the IEP Planning Meeting will include a local education agency representative, a teacher, and a person knowledgeable about the evaluation procedures and results. Other persons involved in the development or provision of your child's education program may attend.

Check One: ☐ Those other persons who may attend at the request of the local education agency would be:

☐ The local education agency does not expect to request the attendance of persons other than the local education agency representative, a teacher, and a person knowledgeable about the evaluation procedures and results.

You may request any other persons, including your child, to attend this meeting. Please notify the person listed below if you feel it is appropriate for your child to attend this meeting. If you do not attend the IEP Planning Meeting, a meeting will be held in your absence and a copy of the completed IEP and Notice of Recommended Assignment will be sent to you for your approval.

Please indicate whether or not you will attend the IEP Planning Meeting and return this form to the person specified.

_____ _____
(Date) (School District Superintendent)

****

☐ I will be participating in planning my child's Individualized Education Program. I may be reached at the following telephone number or address:

Telephone Number: _____ Time of Day: _____

Address: _____

Date: _____ Signature: _____
(Parent, Guardian, Surrogate Parent, Student)

☐ I will not be participating in planning my child's Individualized Education Program.

Date: _____ Signature: _____

Please return this completed form immediately to: _____

_____

_____

_____

Form 10 - Rev. 10/31/80

NOTICE THAT A STUDENT IS EXCEPTIONAL (SPEECH)

This form is used for students who were evaluated and were found to be in need of a speech and/or language program. It is sent to the parents by the speech clinician. The form also includes an invitation to the IEP Planning Meeting.

NOTICE THAT A STUDENT IS EXCEPTIONAL (SPEECH)

Dear Parent (Guardian):

_____ has provided an evaluation for _____
(School District) (Student's Name)

to assure that he/she has an appropriate educational program. This evaluation and review of data was performed by: _____.
(Speech Clinician)

The evaluation results indicate that _____ is exceptional and is in need of a
(Student's Name)
speech and/or language program.

You have the right to review all data collected on your child. If you have not had a conference to discuss the evaluation findings, you may request such a conference.

You are requested to attend an IEP Planning Meeting so that you may provide input and be fully informed concerning the program and/or placement of your child. If you do not attend the IEP Planning Meeting, a meeting will be held in your absence and a copy of the complete IEP and Notice of Recommended Assignment will be sent to you for your approval.

Please indicate whether or not you will attend the IEP Planning Meeting and return this form to the person specified.

_____ _____
(Date) (Supervisor and/or LEA Representative)

****

☐ I will be participating in the review of my child's Individualized Education Program. I may be reached at the following telephone number or address:

Telephone Number: _____ Time of Day: _____

Address: _____

Date: _____ Signature: _____
(Parent, Guardian, Surrogate Parent, Student)

☐ I will not be participating in the review of my child's Individualized Education Program.

Date: _____ Signature: _____

Please return this completed form immediately to: _____

_____

_____

_____

Form 11 - Rev. 6/10/80

NOTICE THAT A STUDENT IS NOT EXCEPTIONAL

This form is sent to parents by the superintendent of a school district after a student is evaluated and found not to be exceptional and not in need of a special program and services at this time. It is sent to the parents after they have had the opportunity to attend a conference to discuss the evaluation findings.

NOTICE THAT A STUDENT IS NOT EXCEPTIONAL

Dear Parent (Guardian):

_____ has provided an evaluation for _____
(School District) (Student's Name)

to assure that he/she has an appropriate educational program. This evaluation and review of data was performed by: _____.
(Psychologist)

The evaluation and data results indicate the _____
(Student's Complete Name)

is not an exceptional student and is not in need of a special education program and/or services at this time.

You have the right to review all data collected on this student. You may request a conference to discuss the evaluation findings and review the data collected. If, after the conference, you are not satisfied with the results, you have the right to request a hearing.

To obtain the student's records, or to arrange a conference, you may call:

_____
(Specify responsible person, telephone number and hours during the day when he/she can be reached).

_____
(School District Superintendent)

Form 10A - Rev. 6/10/80

NOTICE THAT A STUDENT IS NOT EXCEPTIONAL (SPEECH)

This form is used for students who were evaluated but were found not to be in need of a speech and/or language program at the present time. It is sent to the parents by the speech clinician after the parents have had the opportunity for a conference to discuss the evaluation findings. This conference can be held either by phone or in person.

NOTICE THAT A STUDENT IS NOT EXCEPTIONAL (SPEECH)

Dear Parent (Guardian):

_____ has provided an evaluation and review of data for
(School District)

_____ to assure that he/she has an appropriate educational program.
(Student's Complete Name)

This evaluation and review of data was performed by _____
(Speech Clinician)

The evaluation and data results indicate that _____
(Student's Complete Name)

is *not* an exceptional student and is *not* in need of a speech and/or language program at this time.

You have the right to review all data collected on this student. You may request conference to discuss the evaluation findings and review the data collected. If, after the conference, you are not satisfied with the results, you have the right to request a hearing.

To obtain the student's records, or to arrange a conference, you may call:

_____
(Specify responsible person, telephone number and hours during the day when he/she can be reached.)

_____
(Signature of Supervisor and/or LEA Representative)

Rev. 6/9/80

REQUEST FOR IEP PLANNING MEETING

This form is used to invite parents to an IEP Planning Meeting whenever an IEP is about to be reviewed and/or revised. It should be mailed or given to the parents by the teacher or clinician even when the *parent* has requested an IEP Planning Meeting.

The top copy of this NCR form is sent to the parents while the second copy is placed in the student's record folder as documentation.

REQUEST FOR IEP PLANNING MEETING

Dear Parent (Guardian):

You are invited to attend an IEP Planning Meeting to review your child's IEP. Your participation is greatly desired so that you may provide input and be fully informed concerning the program and/or placement of your child.

Participants at the IEP Planning Meeting will include a local education agency representative and a teacher. Other persons involved in the development or provision of your child's education program may attend.

Check One: ☐ Those other persons who may attend at the request of the local education agency would be:

☐ The local education agency does not expect to request the attendance of persons other than the local education agency representative and a teacher.

You may request any other persons, including your child, to attend this meeting. Please notify your child's teacher if you feel it is appropriate for your child to attend this meeting.

If you do not attend the IEP Planning Meeting, a meeting will be held in your absence and a completed copy of the IEP will be sent to you for your approval.

Please indicate below whether or not you will attend the IEP Planning Meeting and return this form to the person specified.

_____ _____

(Student's Name) (Individualized Education Program Planner)

_____

(Date)

* * * \

CASE CONTACT LOG

This form is used to document the contacts made with parents regarding the IEP process, whether they are letters, meetings, home visits or phone calls. Documentation for phone calls must also include cases where there is a busy signal, no answer or when the parents are not at home.

CASE CONTACT LOG

TEACHER _____ ADDRESS _____

STUDENT _____ _____

PARENT/GUARDIAN _____ TELEPHONE _____

LOCATION OF STUDENT _____

DATE	TIME	ANSWERED BY**	CONTACT INITIATED BY	TOPIC OF DISCUSSION	METHOD OF CONTACT (Letter, Mtg. Telephone, Home Visit)

**Indicate busy signal, no answer or person who answers call.

Form 4 - Rev. 6/30/80

IEP PLANNING MEETING CHECKLIST

This form is used at all IEP Planning Meetings for both newly identified and continuing students even if parents do not attend this meeting. All areas to be covered are listed and should be checked as they are discussed. Parent concerns, teacher/LEA Representative concerns and replies are to be documented in the columns on the form. All those attending the meeting must sign their names at the top of the form.

IEP PLANNING MEETING CHECKLIST

STUDENT _____ DATE _____ TIME _____

PARTICIPANTS:

Teacher _____

LEA Representative _____

Parent or Guardian or Surrogate _____

Parent or Guardian _____

Student _____

Other _____

Other _____

Other _____

AREAS TO BE COVERED	√	PARENT CONCERNS	TEACHER/LEA REPLY
I. IEP COMPONENTS A. Present Education Levels B. Annual Goals C. Short Term Objectives 1. Instructional Methods, Media, Materials 2. Evaluation of Instructional Objectives a. tests and evaluation materials b. criteria for succesful performance D. Related Services E. Special Media and Materials II. PRIMARY ASSIGNMENT REASON for ASSIGNMENT DESCRIPTION of INTEGRATION III. DATES A. Initiation and Duration of Services B. Annual Review IV. OTHER TOPICS DISCUSSED			

Form 3 - Rev. 6/30/80

NOTICE OF RECEIPT OF IEP FOR A NEWLY IDENTIFIED STUDENT OR A STUDENT WHOSE IEP HAS BEEN REVISED

This form is sent to District Contact Persons by Intermediate Unit staff following the development of a new IEP for a student who will receive an Intermediate Unit program or service or after the IEP of a student receiving an Intermediate Unit program or service has been revised.

NOTICE OF RECEIPT OF IEP FOR A NEWLY IDENTIFIED STUDENT
OR
A STUDENT WHOSE IEP HAS BEEN REVISED

Enclosed is the IEP for _____,
(Student's Name)

a resident of _____,
(School District)

who will receive an Intermediate Unit special education program/service.

Please indicate your acceptance or rejection of this IEP on the second page of this form and return it to the Intermediate Unit program director designated below. If you accept the IEP, send a copy of it along with the NORA and a cover letter to the parents.

_____
Intermediate Unit Program Director

On behalf of the school district I *accept* this IEP and the Intermediate Unit program/services proposed for this student.

_____
(Signature)

_____
(Title)

_____
(Date)

STUDENT: _____

DISTRICT OF RESIDENCE: _____

PRIMARY ASSIGNMENT: _____ SCHOOL: _____

INTERMEDIATE UNIT PROGRAM DIRECTOR: _____

****

On behalf of the school district, I reject this IEP and the Intermediate Unit program/service proposed for this student. In rejecting this IEP and program/service, the district agrees to reconvene the Individualized Education Program Planning Meeting with all deliberate speed to discuss its concerns.

_____
(Signature)

_____
(Title)

_____
(Date)

STUDENT: _____

DISTRICT OF RESIDENCE: _____

PRIMARY ASSIGNMENT _____ SCHOOL: _____

INTERMEDIATE UNIT PROGRAM DIRECTOR: _____

CONFIRMATION OF IEP REVIEW

This form is sent to the parents along with the IEP, following an annual review conference when this conference has resulted in a reviewed IEP. The exception to this rule is on the year of a reevaluation when the *Notice of Recommended Assignment* (NORA) must be sent.

On the *Confirmation of IEP Review*, indicate which minor changes have been made. This form will then state that the primary assignment, related services and annual goals will remain the same. Since this form is only to be used as a confirmation that a review took place, parental approval is not necessary.

CONFIRMATION OF IEP REVIEW

Date: _____

Annual Review Conference, which you may or may not have chosen to attend, was held on _____ regarding the Individualized Education Program of _____ a resident of the _____ School District, receiving special education services from the _____. This letter will serve as confirmation of the conclusions and recommendations made at this conference.

Your child's Individualized Education Program was reviewed. Based on this review, no changes in annual goals, related services or primary assignment were necessary. The minor changes which were made are checked below:

- ☐ A statement of present education levels
- ☐ A statement of short-term objectives
- ☐ Projected dates for initiation and the anticipated duration of program and service
- ☐ Appropriate objective criteria, evaluation procedures and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved.

If you have any questions, please contact your child's teacher/clinician.

Teacher's/Clinician's Name: _____

School: _____

Phone Number: _____

Form 14 - Rev. 6/30/80

NOTICE OF INTENT TO REEVALUATE CUMULATIVE RECORDS

This letter is sent to parents notifying them that their child's cumulative records will be reevaluated as part of the required IEP reevaluation procedures.

NOTICE OF INTENT TO REEVALUATE CUMULATIVE RECORDS

DATE:

Dear ,

This letter is to inform you that a reevaluation conference for your child will be held as part of the required IEP reevaluation procedure. Within the next 30 calendar days, the program supervisor, your child's special education teacher and a psychologist from the Montgomery County Intermediate Unit will meet to review your child's documented cumulative records to assess the appropriateness of your child's individualized education program. The results of this reevaluation conference will be discussed with you at your child's IEP Planning Meeting. If you would like additional information at this time, contact your child's teacher.

Very truly yours,

(Certified School Psychologist or Program Supervisor)

NOTICE OF INTENT TO REEVALUATE (TESTING)

This form is sent to the parents notifying them of the approximate dates and types of tests/procedures to be used as part of a reevaluation. This form is used when the types of tests/procedures are the same as those previously administered and therefore, parental consent is not required.

NOTICE OF INTENT TO REEVALUATE (TESTING)

[Address block giving the name and address of the student, parent, guardian or surrogate parent]

[Address block identifying the name, title, school and school address of the school official requesting permission for the evaluation (if the letter is typed on letterhead paper, this block may not be necessary)]

_____
(Date)

Dear _____:
(Complete Name of Parent or Student)

_____ will provide a reevaluation for _____
(School District or Intermediate Unit) (Student's Complete Name)

to assure that he/she has an appropriate education program.

The student will have the reevaluation for the following reasons: _____

_____

_____

The plan for reevaluation includes:

Type of Test/Procedure	Proposed Date of Reevaluation
_____	_____
_____	_____
_____	_____

You have the right to see and study all the information in the student's school record. Since all of your questions may not be answered by reviewing these records, you may also wish to meet with a school psychologist to discuss the reevaluation procedures. To obtain the student's records or to arrange a conference, you may call _____

_____
(Specify staff member, phone number and hours during the day when he/she can be reached)

Sincerely,

_____
Certified School Psychologist

NOTICE OF INTENT TO REEVALUATE A SPEECH-ONLY STUDENT

This form is sent by the speech clinician to parents of a speech-only student, notifying them that their child will be reevaluated as part of the required IEP reevaluation procedures.

NOTICE OF INTENT TO REEVALUATE A SPEECH-ONLY STUDENT

Dear .

This letter is to inform you that a reevaluation conference for your child will be held as part of the required IEP reevaluation procedure. Within the next 30 calendar days, your child's speech clinician will review your child's documented cumulative records to assess the appropriateness of the individualized education program. The results of this reevaluation conference will be discussed with you at your child's IEP Planning Meeting. If you would like additional information at this time, contact your child's clinician.

Speech Clinician's Name: _____

School: _____

Address: _____

Telephone: _____

5/30/80

SPEECH NOTICE OF RECOMMENDED ASSIGNMENT

This form is sent with the IEP to parents of exceptional children who will receive *only* a speech program. This form is used:

1. when a student is newly identified
2. on the year of the reevaluation
3. when there are revisions made in the Speech IEP.

SPEECH NOTICE OF RECOMMENDED ASSIGNMENT

Date _____

Dear Parent (Guardian):
In carrying out the provisions of Public Law 94-142, an Individualized Educational Program Conference was held for your child on

_____, 19____.

As a result of that meeting, it is recommended that

_____:
Child's Name

☐ receive an appropriate speech and/or language program as specified in the enclosed IEP

☐ be dismissed from the speech and language program due to: ( ) maximum possible improvement at this time
( ) parental request.

Before this recommendation is implemented, you have the right to request a pre-hearing conference to discuss, with school personnel, the educational program and placement. If you disagree with the outcome of this conference, you may request a formal hearing. Should you request a pre-hearing conference, a notice which outlines the procedural safeguards as specified in State Board of Education Regulations will be sent to you.

Please indicate below, by checking the appropriate box, if you approve or disapprove of this change. In either case, please sign, date and keep one copy of this form. Please return the other two copies of this form within 10 days to:

_____
Name and Address of School

_____
I.U. No. 23 Speech or Language Clinician

_____
Responsible School Official

_____
I.U. No. 23 Supervisor of Speech and Hearing

☐ I approve the recommended placement and program and do not wish to request a pre-hearing conference or a hearing.

☐ I do not approve the recommended placement and program. I request a pre-hearing conference.

_____ _____
Signature of Parent (Guardian) Date

_____ _____
Signature of Parent (Guardian) Date

COVER LETTER

This form accompanies the IEP and *Notice of Recommended Assignment* (Due Process) when they are mailed to the parents. The Due Process notice is sent with the IEP:

1. for a newly identified student
2. after a reevaluation occurs
3. when revisions are made in the IEP

(to be placed on letterhead)

Enclosed you will find the *Notice of Recommended Assignment* and a copy of your child's Individualized Education Program. Please read each document carefully.

Sign and return the *Notice of Recommended Assignment* to your local school district. The IEP is to be kept for your own records.

If you have any questions, please contact the person indicated below.

Name: _____

Phone Number: _____

Form 12 - Rev. 6/9/80

COVER LETTER (SPEECH)

This form is sent to the parents of speech-only students along with the IEP and the *Notice of Recommended Assignment* (Due Process).

(to be placed on letterhead)

Enclosed you will find the *Notice of Recommended Assignment* and a copy of your child's Individualized Education Program. Please read each document carefully. If you have any questions, please call your local school as soon as possible.

Please sign and return two copies of the *Notice of Recommended Assignment* to your local school district. The IEP is to be kept for your own records.

Again, if you have any questions, please contact your local school.

DISMISSAL COVER LETTER (SPEECH)

This form is sent to the parents of speech-only students who will be dismissed from speech. It is sent to the parents with the IEP and the *Notice of Recommended Assignment* (Due Process).

(to be placed on letterhead)

Enclosed you will find the *Notice of Recommended Assignment* which proposes that your child be dismissed from the Speech Program. Please sign and return two copies to your child's school.

Also enclosed is your child's IEP which you may keep. Your child's program has only been altered by the removal of all the speech portions of the IEP.

If you have any questions concerning your child's program, please call your local school.

COMMONWEALTH OF PENNSYLVANIA
Department of Education
Harrisburg 17126

ANNEX A
[22 PA. CODE CH 341]

STANDARDS FOR SPECIAL EDUCATION

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SEC

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341.1. Definitions--The following words and phrases, used in this chapter, shall have, unless the context clearly indicates otherwise, the following meanings:

(a) Change in Educational Status--Any assignment or reassignment based on evidence that the person is exceptional, or thought to be exceptional. The following educational assignments are included: regular education, special education, no assignment or a change from one type of special education to another. Any change shall be in accordance with an Individualized Education Program.

(b) Exceptional Persons--Those persons evaluated in accordance with this chapter as being hearing impaired, mentally gifted and talented, mentally retarded, physically handicapped, learning disabled, brain damaged, speech and language impaired, socially and emotionally disturbed, visually impaired, or severely multihandicapped. These terms are further defined as follows:

(i) Brain Damage--A moderate to severe injury to the brain, as identified by a neurological examination, resulting in severe behavior and learning disorders. Persons whose behavior and learning disorders are primarily the result of visual, hearing or motor handicaps or mental retardation, emotional factors or of environmental disadvantage are not brain injured. The term brain damage does not include the condition known as minimal brain disfunction.

(2) Hearing Impaired--A hearing loss ranging from mild (hard of hearing) to profound (deaf), which interferes with the development of the communication process and results in failure to achieve full educational potential. A person shall be assigned to a program for the hearing impaired when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes a report by an audiologist and otologist.

(3) Learning Disability--A deficiency in the acquisition of basic learning skills, including but not limited to, the ability to reason, think, read, write, spell or to do mathematical calculations, as identified by an educational and psychological evaluation. Persons who have learning disorders which are primarily the result of visual, hearing or other handicaps or mental retardation or emotional factors or of environmental disadvantage are not learning disabled. The term learning disability does not exclude the possibility that a learning disabled person may also exhibit such conditions as brain damage or minimal brain disfunction. A person shall be assigned to a program for the learning disabled when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation clearly indicates that the person can demonstrate average or above average intellectual functioning on an appropriate intelligence measure. The evaluation shall include an assessment of specific academic strengths and weaknesses.

(4) Mentally Gifted--Outstanding intellectual and creative ability, the development of which requires special activities or services not ordinarily provided in the regular program. Persons shall be assigned to a program for the gifted when they have an IQ score of 130 or higher. A limited number of persons with IQ scores lower than 130 may be admitted to gifted programs when other educational criteria in the person's profile strongly indicated gifted ability.

(5) Mentally Retarded--Impaired mental development which adversely affects a person's educational performance. A mentally retarded person exhibits significantly impaired adaptive behavior in learning, maturation and/or social adjustment as a result of subaverage intellectual functioning. The degree of retardation and the level of social and academic functioning, not deviant behavior patterns, shall be the factors in determining the individualized program. A person shall be assigned to a program for the mentally retarded when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that no person shall be assigned to a program for the:

(i) educable mentally retarded unless his or her IQ score is lower than 80.
(ii) trainable mentally retarded unless his or her IQ score is lower than 55.
(iii) severely and profoundly mentally retarded unless his or her adaptive behavior is so severely impaired that education programming is oriented to behaviors which may be considered absolutely basic to higher levels of skilled performance. Individuals with an IQ score lower than 30 may be considered for these programs and shall be evaluated by a physician prior to assignment.

(6) Physically Handicapped--Orthopedic and/or other health impairments of sufficient magnitude to limit a person's classroom accommodation and educational performance. A person shall be assigned to a program for the physically handicapped when the evaluation and Individualized Education Program indicate that such a program is appropriate provided that the evaluation includes reports from a physician and a certified public school psychologist.

(7) Severely Multihandicapped--Persons who are diagnosed as having two or more of the following severe handicapping conditions required for assignment to approved private schools (22 Pa. Code §171.23 (F)).

(i) Blind--A visual handicap of a severe degree. These persons in whom there is visual acuity of 20/200 or less in the better eye with correcting glasses or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees.

(ii) Brain Damage--Those persons who manifest severe behavior and learning disorders resulting from a severe insult to the brain as identified by a neurological examination.

(iii) Cerebral Palsy--Those persons with severe bilateral, symmetrical, nonprogressive paralysis resulting from developmental defects in the brain, or trauma at birth who cannot carry on independently, the normal activities of daily living.

(iv) Deaf--A hearing handicap of a severe degree. Those persons in whom the sense of hearing is nonfunctional for the ordinary purposes of life. This includes the congenitally and adventitiously deaf. The following represents hearing loss as defined by audiometer measurements: (a) Severe hearing loss--60 db to 90 db; and (b) Deaf--90 db or more in both ears.

(v) Emotional Disturbance--Those persons who manifest a severe major affective psychosis which is characterized by a single disorder of mood, either extreme elation or depression that dominates the mental life of the person and is responsible for whatever loss of contact they may have with their environment.

(vi) Muscular Dystrophy--Those persons who manifest a severe wasting away and atrophy of the muscles whereby they become non-ambulatory, lose muscle power and are unable to participate in normal activities of daily living.

(vii) Severely Mentally Retarded--Those persons whose adaptive behavior is so severely impaired that educational programming is directed to behaviors that require closely supervised simple self-help and very simple work skills requiring full dependence upon others. This term is used to describe the degree of mental retardation present when intelligence testing is lower than an IQ of 25 as measured on individual psychological tests with no consideration of the standard error of measurement permitted. Those with such adaptive behavior and measured mental ability will be considered for these programs and shall be evaluated by a physician prior to assignment.

(8) Socially and Emotionally Disturbed--A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: an inability to learn which cannot be explained by intellectual, sensory or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, pains or fears associated with personal or school problems. A person shall be assigned to a program for the socially and emotionally disturbed when the evaluation and indivdualized

Education Program indicate that such a program is appropriate, provided that the evaluation includes reports from a board-certified or approved psychiatrist. No person shall be assigned to a program for the socially and emotionally disturbed for disciplinary reasons alone. Socially and emotionally disturbed children shall be psychiatrically reevaluated every two years.

(9) Speech and Language Impaired--Communication disorders of impaired language, voice, fluency or articulation to such a degree that academic achievement is invariably affected and the condition is significantly handicapping to the affected person. A person shall be assigned to a program for the speech and language impaired when the screening by a speech clinician and the Individualized Education Program indicate that such a program is appropriate. Where appropriate, an evaluation by a certified public school psychologist or physician shall be performed.

(10) Talented--Outstanding talent as identified by a team of educators and professionals competent in the areas of art, music, dance, photographic arts or theater, the development of which requires special activities or services not ordinarily provided in the regular program. A person identified as talented shall be eligible to attend the Governor's School for the Arts.

(11) Visually Impaired--A visual impairment, which adversely affects a person's educational performance. A person shall be assigned to a program for the visually impaired when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes an examination by an eye specialist and a written report of the nature and degree of the visual impairment.

(c) I.Q. Score--An I.Q. score with consideration for a plus or minus five (5) standard error of measurement as measured by an individual's psychological test.

(d) Notice--Written notice in the language or mode of communication normally used by the person to whom the notice is being given.

(e) Parent--A parent or guardian (or individual acting as a surrogate parent in the absence of a parent or guardian) of any school-aged person.

(f) Persons of School Age--Persons aged six to twenty-one and persons younger than six who are of the age at which regular education programs are provided in their school district of residence.

(g) Special Education--A basic education program planned to meet the educational needs of exceptional persons.

(h) Surrogate Parent--A person appointed by the intermediate unit to act as the parent of a school-aged person when the parents are not known, unavailable, or when the school-aged person is a ward of the state. The person appointed shall not be an employee of the state or local education agency involved in the education or care of the school-aged person.

341.11. Parent Initiated Identification

(a) General Rule. Any parent who believes that his or her child is exceptional and is not receiving appropriate special education programming may request, in writing, an evaluation of the child.

(b) Conference. A conference shall be scheduled within 10 days of receipt of the written request. The conference shall include, but shall not be limited to, the parent, the teacher of the person, and a supervisor of special education, or principal. Any person the parent wishes to invite may attend. Prior to the conference, the school district shall prepare written

evidence supporting the appropriateness of the person's present program or a recommendation for a change in assignment provided that no such recommendation is made until after an evaluation of the person has been performed in accordance with this chapter. At the conference, every effort shall be made to reach an amicable agreement, keeping in mind the best interest of the individual. If a change in assignment is recommended, an Individualized Education Program shall be developed at the conference.

(c) Hearing. Upon conclusion of the conference(s), the parent, if dissatisfied with the results of the conference, may request a hearing. The hearing procedures shall be in accordance with 22 Pa. Code §13.32(8) through (23) (relating to school district initiated due process procedures).

341.12. School District Identification

(a) Policy. Each school district shall adopt a policy for the identification of school-aged persons who may be in need of special education programs or services.

(b) Coordination. The policy shall be coordinated with the intermediate unit.

(c) Group Screening. The policy shall refer to those group screening instruments which may be used as the basis for referral for evaluation. A group screening instrument is a basic test administered to, or a procedure used with, all children in a school (for example, achievement tests administered to all students in a school, or to all students of a certain grade level; speech and language screening instruments; and visual and hearing tests administered in accordance with Article 14 of the Public School Code of 1949 (24 P.S. §§14-1401-14-1422).

(d) Referrals. The policy shall include a system by which persons who may be in need of special education are referred by parents, teachers, school nurses and other professional employees for evaluation. At the same time the parent shall be informed in accordance with subsection (e) of this section that the person has been referred for evaluation.

(e) Notice to Parents. The parent of any person referred for evaluation shall be informed in writing:

(1) that the person has been referred for evaluation;

(2) of the basis upon which the referral was made;

(3) that the parent has the right to inspect and review all relevant school records;

(4) of the procedures and specific types of tests which will be used in the evaluation and the approximate dates of such procedures;

(5) of the parents' right to meet with a public school psychologist to discuss the referral and proposed evaluation procedures;

(6) of the right of the parent to object to the evaluation and request a hearing in accordance with 22 Pa. Code §13.32 (relating to school district due process procedure);

(7) of the right of the parent to give or withhold his or her consent to the evaluation.

(f) Conference. The notice required by subsection (e) of this section may be given to the parent at a conference.

341.13. Evaluation

(a) General Rule. An evaluation must be conducted in accordance with this section prior to the assignment of any person to a special education program or service, or prior to the denial of assignment if the parent requests assignment. A person may, however, be assigned to itinerant speech and language service in accordance with paragraph (g) (2) of the section after identification in accordance with §341.12 (c) (relating to group screening). In each instance, except for speech and language impaired, an individual psychological examination shall be administered by a certified public school psychologist prior to assignment to a special education program. For speech and language impaired, a psychological evaluation may be administered by a certified public school psychologist.

(b) Individualized Education Program. An evaluation requires the analysis and investigation necessary to develop an Individualized Education Program appropriate for the person as required by §341.15 (relating to Individualized Education Program). There shall be no change in educational status until the Individualized Education Program has been developed.

(c) Scope. The nature of the individual behavioral and learning characteristics of the person thought to be exceptional shall determine the psychological, educational and other assessment services to be used in the evaluation and the uniqueness in procedures or protocols which may be used. Provided that persons thought to have a specific exceptionality shall be evaluated in accordance with the minimum requirements for that exceptionality as provided in §341.1(b) (relating to definitions).

(d) Tests. Tests and similar evaluation materials shall be:

(1) administered in the child's native language or mode of communication, unless it is clearly not feasible to do so;

(2) selected and administered so that the test results accurately reflect the person's aptitude, achievement level or whatever other factor the test purports to measure, rather than the person's impaired sensory, manual or speaking skills (except where such skills are the factors which the test purports to measure);

(3) professionally validated for the specific purpose for which they are to be used;

(4) administred by certified professional employees in accordance with the instructions provided by the test's producer and sound professional practice;

(5) selected and administered to assess specific areas of educational need and not merely a single general intelligence quotient.

(e) Other Information. Information from sources other than ability or achievement tests, including information from the parents concerning the person's physical condition, sociocultural background and adaptive behavior in home and school, shall be considered in recommending assignments. No one test or type of test shall be used as the sole criterion for development of the Individualized Education Program.

(f) Outside Evaluation. Reports and evaluations submitted by the person or parent shall be given full consideration by the school district in recommending assignments. No one test or type of test shall be used as the sole criterion for development of the Individualized Education Program.

(g) Team. All data collected under this section and the person's relevant school record shall be reviewed and interpreted by a public school psychologist, the person's present teacher and a supervisor of special education or a school administrator or

or another person knowledgeable about the program and service options which may be appropriate for the person.

(i) If the review and interpretation results in a conclusion that the person is not exceptional, the parent shall be so notified in writing. The notice shall inform the parent of his or her right to:

(I) review all data collected on the child;

(II) request a program placement conference in accordance with 22 Pa. Code §13.32 (relating to due process).

(III) request a hearing on the recommendation in accordance with 22 Pa. Code §13.32 (relating to due process).

(2) If the review and interpretation result in a recommendation to develop an Individualized Education Program, the parent shall be notified by letter that the school district:

(I) has identified the person as exceptional;

(II) is recommending special education placement;

(III) will arrange conference for parent(s) to participate in the development of the Individualized Education Program.

341.15. Individualized Education Program

The Individualized Education Program for each person assigned to special education programs or services shall include:

(1) a statement of the person's present level of educational performance;

(2) a statement of annual goals which describes the expected behaviors to be achieved through the implementation of the person's Individualized Education Program;

(3) a statement of short-term instructional objectives;

(4) a statement of specific educational services to be provided to the child, including a description of (1) all special education and related services required to meet the unique needs of the child, (2) any special instructional media and materials to be provided and (3) the type of physical education program in which the child will participate;

(5) a description of the extent to which the child will be able to participate in regular education programs;

(6) the projected date for initiation and the anticipated duration of services; and

(7) appropriate objective criteria, evaluation procedures and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved.

341.16. Individualized Education Program Conference

(a) Conference. The Individualized Education Program shall be developed in a conference by:

(1) a representative of the school district or intermediate unit who is qualified to provide or supervise the provision of specially designed instruction to meet the person's unique needs;

(2) the person's teacher(s); (If the person is assigned to or is to be assigned to an approved private school the private school teacher(s) and any other representative of the private school);

(3) the person's parent(s); and

(4) where appropriate, the person;

(5) any person the parent(s) wants to attend may attend; and

(6) upon completion of the Individualized Education Program conference the due process notice may be given or mailed to the parent in accordance with 22 Pa. Code §13.32 (relating to due process).

(b) Parent Participation. Each school district shall take steps to ensure that the parents of the person are present at the conference or are afforded the opportunity to participate. The conference shall be scheduled at a mutually agreed upon time and place unless it is clearly not possible or practical.

(1) In cases where it is not possible or not practical for all participants to attend, other alternatives to ensure full participation must be attempted, including individual or conference telephone calls.

(2) The Individualized Education Program conference may be conducted without the parent in attendance only if there is sufficient documentation of attempts to arrange a mutually agreed upon time and place, such as detailed records of telephone calls made or attempted and the results of such calls, copies of correspondence sent to the parents and any responses received and detailed records of visits made to the parent's home or place of employment and the results of such visits.

(3) If a parent has a communication barrier, such as deafness or a primary language other than English, the local educational agency shall provide an interpreter or take whatever action is necessary to ensure that the parent understands the proceedings.

(c) Time.

(1) There shall be no change in educational status until the Individualized Education Program has been developed in accordance with this section.

(2) For exceptional children currently receiving special education programs or services, the Individualized Education Program converence shall be conducted prior to the 1977-78 school year.

(d) Notice. Upon completion of the Individualized Education Program conference, the due process notice may be given or mailed to the parent in accordance with §13.32 of this title.

341.17. Minimum Annual Review

(a) Review and/or Revision. Each Individualized Education Program shall be reviewed at least annually [and, if appropriate, revised,] in accordance with §341.16 (relating to conference).

(b) Re-evaluation. At least once every two years the review and/or revision of the Individualized Education Program shall be based on an analysis of the student's documented cumulative record by a team in accordance with §341.13 (g) (relating to evaluation). The re-evaluation may include administration of individual psychological tests administered by a certified public school psychologist and other clinical examinations if needed. Parental consent is not required for a re-evaluation. A re-evaluation may be conducted more frequently than once every two years, if such is deemed appropriate by the local educational agency.

341.18. Relation to Hearing

The Individualized Education Program is an education program developed jointly by the parents and school personnel. The Individualized Education Program may be revised periodically in accordance with §341.17 (a) (relating to review and revision). If a change in

educational status, special education program and/or related services provided the student is to be recommended by the local educational agency, as a revision of the Individualized Education Program, the provisions of §341.16 are to be followed and subsequent notice and right to a hearing shall be provided in accordance with 22 Pa. Code §13.32 (relating to due process). A parent may request a re-evaluation of the student's identification and assignment annually in accordance with 22 Pa. Code §13.33 (relating to parent initiated due process procedures).

If a hearing is requested, the hearing shall be held to determine the specific kinds of programs and services appropriate for the person, based on the evaluation conducted in accordance with §341.13 (relating to evaluation) and any subsequent re-evaluation that may have been conducted. The hearing officer shall, after the hearing, issue an opinion and order defining the assignment, program and services in such specificity as he or she deems necessary. An Individualized Education Program document shall then be developed jointly, in conformity with the hearing officer's decision, by the parents, school personnel and, where appropriate, the person in accordance with §341.16 (relating to conference) in order to supply any component of the Individualized Educational Program not noted, ruled upon or recommended by the hearing officer in her or his decision. The conference shall be scheduled within 10 days after the decision has been rendered.

Operation of Programs

341.21. General Rule

Special education programs and services shall be organized to effectively and efficiently implement the Individualized Education Program. Regardless of the choice of administrative arrangement, provision shall be made for the maximum amount of appropriate integration and contact with regular education students.

341.22. Operating Agent

(a) Designation. The operating agent for special education programs and services shall be designated in the provisions of §341.31 (relating to plans).

(1) District Operation. Special education programs and services shall be developed and operated by a school district when the school district is able to provide effective and efficient programs, including adequate housing and supervision.

(2) Intermediate Unit Operation. Special education programs and services shall be developed and operated by the intermediate unit when the school district cannot effectively and efficiently support such programs and services.

(3) Cooperative Agreement. To meet the needs of individual school-aged exceptional persons, a cooperative agreement may be developed among districts and intermediate units.

(4) Approved Private School. To meet the needs of certain individual school-aged exceptional persons, an approved private school assignment shall be recommended and approved by district and intermediate unit professional staff whenever an appropriate placement cannot be provided within the local public schools solely because of the nature and incidence of the student's handicapping condition. Whenever a school district and intermediate unit agree that the only source of an appropriate program of education for a school-aged person is in an approved private school, in accordance with the stated admission policy of the particular school, the recommendation and supporting evidence shall be forwarded to the Department of Education for final approval in accordance with 22 Pa. Code §171.13 and 171.16 (relating to assignment).

(b) Powers and Duties. The operating agent shall determine the operational, organizational and administrative procedures of the special education programs and services it operates subject to the provisions of the school laws, State Board regulations and these standards.

341.31. Plans

Special education programs and services shall be administered in accordance with the Intermediate Unit Plan for Special Education as set forth in the Public School Code of 1949 (24 P.S.13-1372(2)).

341.32. Development of Plans

Each intermediate unit shall annually revise its plan in cooperation with its constituent school districts and, where appropriate, with approved private schools and other intermediate units.

(1) School District Plans. Each school district shall develop and maintain a plan which specifies all special education programs and services to be district-operated and designates those programs and services required from the intermediate unit. The plan shall also identify those regular education programs which may be used to implement Individualized Education Programs.

(2) Intermediate Unit Plans. School District Plans shall be incorporated in the Intermediate Unit Plan. Intermediate Unit Plans shall specify the programs and services to be operated by the intermediate unit and shall incorporate those programs and services operated by individual school districts including regular education programs which may be used to implement Individualized Education Programs. The plan shall specify those programs and services required from approvided private schools.

341.33. Content of Plans

In addition to the description of programs and services and needs required in §341.32 (relating to Development of Plans), each Intermediate Unit Plan shall include:

(1) A policy for the identification of all school-aged persons in need of special education programs and services in accordance with §341.12 of this chapter (relating to parent initiated identification).

(2) A strategy to provide immediately an appropriate education to any person identified under subsection (1) above who is receiving no education.

(3) A strategy and timetable to develop special education programs and services for those identified under subsection (1) of this section above who are not receiving appropriate special education programs and services. Such strategy shall reflect the following priorities in accordance with the specific needs determined by the school district and the intermediate unit.

(i) Programs and services shall be provided for the more severely handicapped before programs are provided for the less severely handicapped, and for the more gifted before the less gifted.

(ii) Programs and services shall be developed in accordance with a planned curriculum to provide a continuum of programs and services appropriate for the student's age and development.

(iii) Programs and services shall be developed to provide a continuum of programs and services for appropriate student assignments in accordance with the priority order as provided in §13.11 (d) of this Title (relating to program responsibilities).

341.35. Approval of Plans

(a) General Rule. Intermediate Unit Plans for the operation of special education programs and services shall be submitted to the Department of Education, Division of Special Education, for approval. Plans shall be approved when the requirements of §§341.31 and 341.32 of these standards are met.

(b) Criteria. To determine compliance with §§341.32 and 341.33, the department shall apply the following criteria:

(1) Based on expected incidence rates, the programs are adequate in quantity to meet the needs of all severely handicapped persons within the intermediate unit.

(2) Based on expected incidence rates, the programs are adequate in quantity and variety to meet the needs of persons of every exceptionality as defined in §341.1(b) (relating to definitions).

(3) Based on expected incidence rates, there is a full continuum of programs and services to permit the least restrictive assignment and the appropriate services in accordance with 22 Pa. Code §13.11(d) (relating to the priority order of placement) and §341.51 of this chapter (relating to organization).

(4) Based on the following table programs are adequate to deliver quality special education services. The plan may justify the deviation from the table by describing why deviation will not affect or will enhance the quality of the programs.

Constant Enrollment by Organizational Patterns*

Program Category and/or Level	Itinerant	Resource Rooms	Part-time	Full-Time
EMR Elementary	15-50	15-20	10-15	10-15
EMR Secondary	15-50	15-20	15-18	10-15
TMR Elementary	None	None	10-15	8-12
TMR Secondary	None	None	15-18	8-15
S & P Retarded	None	None	None	4-8
SED Elementary	15-50	15-20	10-15	6-12
SED Secondary	15-50	15-20	10-15	8-12
BI/LD Elementary	15-50	15-20	10-15	6-12
BI/LD Secondary	15-50	15-20	10-15	8-12
HI EL./Sec.	15-50	5-15	6-10	5-8
SP&L El./Sec.	20-90**	None	None	5-8
PH EL./Sec.	15-50	5-15	6-12	6-12
Detention El./Sec.	None	None	None	1-15
VH El./Sec.	15-50	5-15	8-15	5-12
Gifted Elementary	15-75	10-20	10-18	10-18
Gifted Secondary	15-75	10-20	10-18	10-18

* The teacher's register is to carry no less than the minimum CE of any pattern in the chart.

** Sessions with the child for Speech and Language:
20 students (5 sessions/student/week)
25 students (4 sessions/student/week)
45 students (2 sessions/student/week)
90 students (1 session/student/week)

(5) Based on a review of the curriculum in accordance with §341.55 of this chapter (relating to curriculum) the programs and services are educationally sound. The Department shall develop and publish guidelines which describe appropriate kinds of curricula and types of service.

(c) Disapproval. Plans which do not meet the requirements of §341.31 and 341.32 (relating to development and contents of plans) shall be disapproved. Prior to disapproval, appropriate division personnel shall discuss the plan and suggest modifications with appropriate intermediate unit and/or school district personnel.

(d) Hearing. If a plan is disapproved, the intermediate unit shall be entitled to a notice and a hearing in accordance with the Administrative Agency Law (71 P.S. §§1710.1-1710.51) and the General Rules of Administrative Practice and Procedures 1 Pa. Code, Part II.

341.51. Organization

The following organizational patterns will be approved by the Department of Education:

(a) Regular Programs. Regular programs do not qualify for special education funding but may meet the needs of certain exceptional persons. Instruction shall emphasize both subject content and development of special skills in accordance with the student's Individualized Education Program.

(b) Itinerant Programs. Itinerant programs shall be designed:

(1) for students enrolled in regular classes who are generally expected to spend 25 per cent or less of their time with an itinerant special education teacher. The itinerant teacher travels from school to school and instructs students in the development of special skills in accordance with the student's Individualized Education Program.

(2) for students who have multihandicapping conditions enrolled in a special education class and who are required to spend up to 25 per cent of their time in supportive instruction in skill development in accordance with the student's Individualized Education Program. Instruction is provided on an individual or small-group basis by an itinerant special education teacher who travels from school to school.

(c) Resource Room. Resource rooms shall be designed for students who are generally expected to spend 50 per cent or less of their time with the special education teacher, whether in individual or in small group instruction. Instruction shall emphasize development of special skills in accordance with the student's Individualized Education Program rather than subject content. For the remainder of their time, students are assigned to regular education programs or to other types of special education programs.

(d) Part-time Special Class. Part-time special classes shall be designed for students who are generally expected to spend 50 to 85 per cent of their time with the special education teacher. Instruction shall emphasize both subject content and development of special skills in accordance with the student's Individualized Education Program. Up to 10 per cent of the student time shall be spent in related activities as described under subsection (a) of this section. For the remaining time, students are released to participate in individual work experience, work training or vocational education programs, while their special education teacher is assigned to instruct a second group of students or to perform other responsibilities.

(e) Full-time Special Class. Full-time special classes shall be designed for students who are generally expected to spend 85 per cent or more of their time with the special education teacher. Instruction shall emphasize both subject content and development of special skills in accordance with the student's Individualized Education Program. The remaining student time shall be spent in related activities, such as art, music, physical education, industrial arts and home economics, with emphasis on the concept of mainstreaming on an individual or group assignment basis.

341.53. Grouping.

(a) Students shall be grouped according to their needs and chronological age in accordance with the following, provided that individual students shall be assigned in accordance with their Individualized Education Program:

(b) Elementary. Elementary programs shall include exceptional school-aged persons up to approximately 12 years and six months of age.

(1) Primary programs, when established, shall include school-aged exceptional persons up to approximately nine years and six months of age.

(2) Intermediate programs, when established, shall include school-aged exceptional persons from approximately nine years and six months of age to approximately 12 years and six months of age.

(c) Secondary. Secondary school programs shall include exceptional school-aged persons from approximately 12 years and six months to 21 years of age. If the exceptional school-aged person reaches the age of 21 any time after the school year begins, he or she shall be allowed to continue in the program for that entire school year.

(1) Junior high school programs, when established, shall include school-aged exceptional persons from approximately 12 years and six months to approximately 15 years and six months of age.

(2) Senior high school programs, when established, shall include school-aged exceptional persons from approximately 15 years and six months to 21 years, or to the end of the school year if the exceptional school-aged person reaches the age of 21 after the school year has begun.

(d) Middle Schools. Middle school programs shall be established by prior approval from the Department of Education in order to meet particular grouping arrangements within these schools.

341.55. Curricula.

(a) General Rule. Special education curricula shall be designed to meet the needs of special persons and shall be adapted, wherever possible, from regular curricula.

(b) Integration. Special education curricula shall be designed to coincide with regular education curricula and shall allow for and lead to the integration of school-aged exceptional persons in regular education programs when their needs dictate that regular education curricula is more appropriate.

(c) Life Skills. Special education curricula shall be designed to stress general life skills and to maximize independence for those school-aged exceptional persons who differ to such an extent that their needs dictate curricular offerings different from those in regular education.

(d) Competencies. The curricula shall call for the acquisition of specific competencies in all areas of development, that is, cognitive, language, social, motor, self-help, vocational, and the like, in accordance with the student's Individualized Education Program.

(e) Review. Special education curricula shall be subject to a review at least every two years and to revision as required.

341.57. Personnel

(a) Certification. Professional personnel shall meet the standards as defined in the Department of Education Professional and Staffing Policies and Guidelines for Certification of Professional School Personnel. Teachers shall hold the proper certification for special education assignment.

(b) Paraprofessionals. Paraprofessional and supportive personnel shall be employed in accordance with specific program needs.

(c) Supervision. Supervisory personnel shall be certificated and assigned in accordance with Professional Personnel and Staff Policies and Guidelines for Certification of Professional School Personnel.

(d) In-Service Training. School districts and/or intermediate units shall provide in-service training for teachers (special and

regular), principals, administrators and supporting staff responsible for programs for school-aged exceptional persons.

341.58. Instructional Materials, Equipment and Supplies

(a) General Rule. Instructional materials, equipment and supplies provided for exceptional school-aged persons shall be equivalent to those provided for school-aged persons in regular education and of comparable age, grade and interest levels, with such modifications as may be necessary to meet the individual needs of the exceptional school-aged person, and shall be subject to a review and approval by the Department of Education.

(b) Furniture. Furniture shall be suited to the age, size, physical status and individual needs of exceptional school-aged persons and shall be subject to review and approval by the Department of Education.

(c) Special Equipment. Exceptional school-aged persons who require special instructional materials, supplies and equipment shall be provided with these items in accordance with the Individualized Education Program.

341.59. Facilities

(a) General Rule. Special education schools and classrooms shall be comparable to regular schools and classrooms and shall conform to the requirements of school building regulations prescribed by the Department of Labor and Industry.

(b) Conditions. Facilities for special education programs and services shall include proper conditions for lighting (natural and artificial), ventilation, acoustical treatment, heating, storage of materials and adequate supplies to insure a barrier-free learning environment.

(c) Itinerant Staff. Itinerant teachers and specialists shall be provided with suitable and appropriate space for working with exceptional school-aged persons individually or in small groups within a school building.

341.61. Confidentiality of Education Records of Exceptional Students

(a) Definitions.

The following words and phrases, as used in these §§341.61 - 341.70, shall have, unless the context clearly indicates otherwise, the following meanings:

Destruction - The physical destruction or permanent expungement of identifying data from the education records of a student so that the information in those records is no longer personally identifiable.

Directory Information - Includes the following information relating to a student: the student's name; address; telephone number; date and place of birth; participation in school clubs, activities,, sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; most recent previous educational institution or agency attended by the student; and other similar information.

Education records or records - Education records, as defined in 20 U.S.C. §§1232g(1970) and 45 C.F.R. Part 99 (1977), of an exceptional student: (i) who receives or has received special education and related services from a school district or an intermediate unit; (ii) who is enrolled or has been enrolled, pursuant to section 1376 of the Public School Code of 1949 (24 P.S. §13-1376), in an approved private school for exceptional students; (iii) who is enrolled or has been enrolled in program of special education operated by the Department; or (iv) who is enrolled or has been enrolled in the

Scranton State School for the Deaf.

Educational agency or agency - The following:

(i) A school district or an intermediate unit and any component part thereof which collects, maintains, or uses an exceptional student's education records containing personally identifiable information or releases such records or information.

(ii) An approved private school and any component thereof which, with regard to an exceptional student who is enrolled or has been enrolled in the approved private school as an approved placement student according to the provisions of section 1376 of the Public School Code of 1949 (24 P.S. §13-1376) collects, maintains, or uses the exceptional student's education records containing personally identifiable information or releases such records or information.

(iii) The Department and any component thereof, to the extent that the Department collects, maintains, or uses an exceptional student's education records containing personally identifiable information or releases such records or information.

(iv) The Scranton State School for the Deaf and any component thereof, to the extent that Scranton State School for the Deaf collects, maintains, or uses an exceptional student's education records containing personally identifiable information or releases such records or information.

Maintain - Includes in its meaning: retain custody of.

Personally identifiable - The information includes (i) the name of a student or the name of any of the student's family members; (ii) the address of the student; (iii) an identifying piece of information such as the student's telephone number or social security number; (iv) a list of personal characteristics which would make the student's identity easily traceable by a person who was not already familiar with the student's identity; and (v) other information which would make the student's identity easily traceable.

Release - The giving of access to or the allowance of inspection, transfer, disclosure, or communication of any portion of a student's education records which includes in it personally identifiable information; the term also means release to any person by any means.

Student - Any exceptional school age person or preschool pupil with respect to whom an educational agency maintains education records.

(b) Education records plan for exceptional students. Each educational agency which maintains education records of exceptional student shall develop a plan that contains policies and procedures for the collection, maintenance, release, and subsequent destruction of education records.

(1) The plan shall reflect the relevant provisions of these §§341.61 - 341.70 and shall be submitted to the Department no later than December 30, 1978, for the approval of the Department.

(2) The plan shall be updated or revised as is necessary. Any updated or revised plan shall be submitted for the approval of the Department. The submission shall be made prior to the start of the school year or as requested by the Department.

(c) Protection of confidentiality. Each agency shall protect the confidentiality of education records containing personally identifiable information at the collection, storage, release and destruction stages of that information.

341.62. Parent Access Rights

(a) Compliance with parent request for access to records. Each educational agency, upon request of a parent, shall permit the parent to inspect, review, or copy any education record relating to the exceptional child or children of that parent when such record is collected, maintained, or used by the agency.

(1) The agency shall comply with the request within 30 days after the request is received.

(2) When the request is made to a school district or an intermediate unit, it must be complied with prior to a conference with the parent regarding an individualized education program and prior to a hearing relating to identification, evaluation, or placement of a child.

(b) Scope of parent right of access. The right to inspect, review, or copy education records under subsection (a) of this section includes:

(1) the right of a parent to request of and receive from the educational agency a reasonable and concise explanation of information contained in the education records of the child;

(2) the right of a parent to be provided, on request, with a copy of all or part of the education records of the child; and

(3) the right of a parent to designate a representative who will inspect, review, or copy the records.

(c) Cost of copies. If a parent requests copies of education records from an agency, the agency may charge the parent a reasonable cost which is not to exceed the actual expense of the duplication, reproduction, or photocopying; however, no cost shall be charged to a parent which would effectively prevent the parent from inspecting and reviewing the record or records. No cost shall be charged to a parent for the search for or retrieval of records.

(d) List of location and types of records. A parent shall have the right to request a list of both the location of the child's education records collected, maintained or utilized by the agency and the types of education records regarding the child that the agency collects, maintains, or utilizes.

(e) Parent requests in writing. At the discretion of the agency and for verification and records-keeping purposes only, an agency may require all parents to put into writing:

(1) their requests to inspect, review, copy, or receive copies of education records;

(2) their designation of a representative; and

(3) their requests, under subsection (d) of this section, for a list.

(f) Records on more than one child. If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the specific information relating to their child or to be informed of that specific information.

(1) A parent shall have the right to copy from or receive a copy of an education record originally containing information on more than one child.

(2) Prior to the parent copying or receiving a copy of a record on more than one child, the agency shall delete, remove, or obscure from the record or its copy all personally identifiable information concerning any child who is not the child of such parent.

341.63. Student Access Rights

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, rights accorded to and the consent required of the student's parent under these §§341.61 - 341.70 shall thereafter only be accorded to and required of the student.

341.64. Access Record

(a) Contents of access record. Each agency shall keep a record of parties who have obtained access to those education records of a student that contain personally identifiable information and that are collected, maintained, or used by the agency. The access record shall include the name of the party, the date access was given, and the purpose for which the party was allowed to use the records.

(b) Exceptions. No record is required for the authorized employees of the agency, the student's parents, or those persons who have received parent consent for access or release and who have gained access to the education records of the student.

(c) Parent right to inspect access records. A parent shall have the right to inspect the access record kept for the education records of his child.

(d) List of persons authorized to have access. Each agency shall maintain, for public inspection, a current list of the names and positions of those agents and employees of the agency who are authorized by the agency to have access to personally identifiable information.

(e) Inspection. The access record may be inspected by the agency officials responsible for maintaining those state and federal educational officials responsible for monitoring the record keeping procedures of the agency.

341.65. Maintenance of Records

(a) Responsible official. Each agency maintaining education records on students shall be responsible for insuring that confidentiality policies and procedures established under §341.61(b) of this title (relating to confidentiality of education records of exceptional students) are enforced and administered. This official shall:

(1) annually notify parents of the policies and procedures of the agency regarding student education records and the rights of parents under both Pennsylvania and Federal law concerning the confidentiality of education records of exceptional students;

(2) develop a system of safeguards which will protect the confidentiality of student records containing personally identifiable information at the point of collection, storage, release, and destruction of such records;

(3) provide training and instruction in the implementation of Federal, Pennsylvania, and agency records policy requirements for all agency personnel who collect or use student records containing personally identifiable information; and

(4) secure for public inspection a current listing of the names and positions of those agents and employees of the agency who are authorized by the agency to have access to student records containing personally identifiable information.

(b) Destruction.

(1) The agency shall inform the parents of a student when personally identifiable information is no longer relevant to and necessary for the provision of educational services to the student.

(2) Upon the request of the parents, information no longer relevant to and necessary for the provision of educational services to the student must be subjected to destruction by the agency; however, a separate, written record of student's name, address, phone number, grades, attendance records, classes attended, grade level completed, and year completed must be maintained for at least 100 years beyond the date the student attains the age of 21.

(3) Except as is stated in paragraph (2) of this subsection, nothing in this section shall be construed to mean that an agency is required to destroy education records.

(4) Prior to the destruction of the information referred to in paragraph (2) of this subsection, the agency shall send written notification to the parents which shall inform the parents of their right to receive a copy of the records to be destroyed. Notification is not required for the agency's destruction of extra copies of records maintained by the agency.

(5) No agency shall destroy education records containing information necessary for the education of a student who is enrolled or has been enrolled in an education program operated by that agency.

(c) Maintenance pending request for release. An agency shall continue to maintain education records pending:

(1) a parent request to inspect, to have access to, or to release student records to the parent or a parent-consented-to third party; or

(2) a request for mandatory release made pursuant to §341.67 of this title (relating to release of information).

341.67. Release of Information

(a) Parental consent required. Written parental consent shall be obtained by the agency before education records containing personally identifiable information or personally identifiable information itself is released by the agency to any party unless:

(1) such release is authorized by 20 U.S.C. §§1232g(1970) and 45 C.F.R. Part 99(1977);

(2) the information released is directory information and the release is made under the conditions specified in §341.68 of this title (relating to directory information);

(3) the agency releasing the information or records is an approved private school and the agency receiving the information or records is the student's school district of residence, the student's intermediate unit, or the Department, if the receiving agency has requested the information in order to review, reevaluate, or monitor students' placements, educational progress, or enrollment status at the approved private school, or to comply with reporting requirements of the State or Federal government of in connection with its audit of the school's use of school district, intermediate unit, State, or Federal funds; or

(4) the agency requesting the information or record is a school district in which the student is enrolled or seeks to be enrolled.

(b) Release explanation. If under this section parental consent is required for release of information, then prior to requesting consent, the releasing agency shall provide the parent with a concise, written explanation, which shall include a general description of the information or record to be released, the form of the release, the reason the release was requested, the party or agency requesting the release, and the party or agency to which the release is to be made.

(c) Mandatory release by approved private schools. If an approved private school is requested by either a student's school district of residence, a student's intermediate unit, or the Department to release

student education records or personally identifying information from records of a student, then the approved private school shall comply with the request within seven days of its receipt of the request.

(d) Mandatory release by all agencies. If a school district in which a student is enrolled or seeks to be enrolled requests that an agency release student records or personally identifying information from records of the student, the agency shall comply with the request within seven days of its receipt of the request.

341.68. Directory information

(a) Former student. An agency may, without parental consent, release directory information from the education records of an individual no longer enrolled in that agency.

(1) Personally identifiable information may be included in the directory information released under this subsection so long as the personally identifiable information itself falls within the categories included in the definition of directory information.

(2) If the individual reenrolls in the agency, any further release of directory information by the agency shall be accomplished in accordance with the provisions of subsection (b) of this section if those provisions had not been satisfied during the period of previous enrollment.

(b) Present student. An agency may, without parental consent, release personally identifiable information from the education records of a student who enrolled in the agency if that information has been designated as directory information under the procedures stated in subsection (c) of this section.

(c) Designation of directory information. An agency which wishes to designate directory information shall give public notice of:

(1) the categories of personally identifiable information which the agency has designated as directory information;

(2) the right of the parent of the student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to the student as directory information; and

(3) the fact that the parent of the student may prevent the release by the agency of personally identifiable information designated as directory information if, within 30 days of the publication of the public notice, the parent informs the agency in writing that such personally identifiable information is not to be designated as directory information with respect to that student.

(d) Publication of public notice. The publication of the public notice under subsection (c) of this section may be accomplished by mailing the notice to the parent.

(e) Dual enrollment. For the purposes of this section, a student either enrolled under the provisions of section 1376 of the Public School Code of 1949 (24 P.S. §13-1376) in an approved private school or enrolled in Scranton School for the Deaf shall be considered to be also enrolled in his school district of residence.

341.69. Parent Request for Amendment of Records

(a) Request to amend. A parent who believes that information in education records collected, maintained, or used under these §§341.61 -341.70 is inaccurate or misleading or violates the privacy or other rights of the child may request the agency which maintains the information to amend the information.

(1) At its discretion, the agency may require that a parent request for amendment of an education record be made in writing and contain a brief statement which specifies the records to be amended and the reason that amendment is requested.

(2) The agency shall decide whether to amend the information in accordance with the request of the parent within 45 days after receipt by the agency of the request to amend.

(3) If the agency decides to refuse to amend the information in accordance with the request of the parent, the agency shall inform the parent in writing of both the refusal and the specific reasons for the refusal and shall notify the parent in writing of the right to request and receive a hearing under subsection (b) of this section.

(b) Records hearing. The agency shall, on parent request, provide the parent with an opportunity for a hearing to challenge information in education records if the parent alleges that such information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child. The hearing shall be conducted according to the following provisions:

(1) The hearing shall be held at a mutually agreed upon time and place within 30 days after the agency receives the request for a hearing from the parent.

(2) The parent shall be notified in writing of the date, place, and time of the hearing, no later than five days in advance of the hearing.

(3) The hearing shall be conducted by a party who does not have a direct interest in the outcome of the hearing.

(4) The party conducting the hearing may be an official of the educational agency.

(5) The parent shall be afforded a full and fair opportunity to present evidence relevant to the issues in subsection (a) of this section.

(6) The parent may, at the hearing, be assisted or represented by persons of his choice and at his own expense; such persons may include legal counsel.

(c) Decision after hearing. The agency shall render a written decision on the issues presented at the hearing and shall render such decision within 30 days after the conclusion of the hearing. The decision shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.

(d) Decision to amend. If, as a result of the hearing, the agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or stated rights of students, it shall amend the education records accordingly and so inform the parent in writing.

(e) Decision not to amend. If, as a result of the hearing, the agency decides that the information is not accurate, misleading, or otherwise in violation of the privacy or other rights of students, it shall inform the parent of his right to place in the education record of the student a statement which sets forth the written comments of the parent upon the information in the education records or reasons for disagreeing with the decisions of the agency, or both written comments and reasons.

(1) The statement of the parent shall be appended by the agency to the education records so long as the record or the contested portion thereof is maintained by the agency.

(2) If the education records of the student or the contested portion thereof is released by the agency to any party, the statement of the parent shall also be released to the party.

(f) Nothing in this section shall be interpreted to mean that the parent and the agency may not, by mutual agreement, meet prior to either a parent request for a hearing or the hearing itself in order to discuss the concerns of the parent regarding the accuracy of the records of the student.

341.71. Special Education Budgets

(a) Preparation. Each intermediate unit shall prepare annually, in conjunction with its component school districts, a budget for the operation of special education programs and services.

(b) Forms. The budgets shall be prepared on budget forms which identify the costs of intermediate unit special education programs and the excess costs of school district special education programs. For this purpose average daily membership shall be calculated and reported as follows:

(1) Equivalent full-time Average Daily Membe ship (EFT/ADM) in speech and language itinerant service shall be calculated and reported in accordance with §2509 of the Public School Code (24 P.S. §25-2509).

(2) Equivalent full-time Average Daily Membership (EFT/ADM) for all other "itinerant service" shall be four.

(3) Equivalent full-time Average Daily Membership (EFT/ADM) for all resource rooms shall be six.

(4) Equivalent full-time Average Daily Membership (EFT/ADM) for part-time and full-time special education classes shall be the number of persons assigned multiplied by the percentage of time in special education.

(c) Submission. Prior to funding, each intermediate unit budget shall be submitted to the Department of Education, Division of Special Education. The division shall review budget submissions to insure that requested program funding is reasonable and consistent with the Intermediate Unit Plan for the operation of special education programs and services.

(d) Approval. A budget shall be approved when the fund request is reasonable and conforms to the Intermediate Unit Plan for the operation of special education programs.

(e) Disapproval. The Secretary of Education may disapprove a budget or a line item in a budget if, after consultation with the Division of Special Education, he or she determines that the request for funding is not reasonable or not consistent with the Intermediate Unit Plan for the operation of special education programs and services.

(1) Prior to disapproval, appropriate department personnel shall discuss the budget and the plan with the appropriate school district and intermediate unit personnel.

(2) If a budget or a line item in a budget is disapproved, the intermediate unit shall be entitled to a notice and a hearing in accordance with the Administrative Agency Law (71 P.S. §§1710.1 -1710.51) and the General Rules of Administrative Practice and Procedure, 1 Pa. Code, Part II.

341.90. Disciplinary Exclusions of Certain Handicapped Students from Special Education Placement

(a) Definitions.

When used in this section, the following words and phrases shall have, unless the context indicates otherwise, the following meanings:

Education agency - A school district, an intermediate unit, or an approved private school.

Exclusion - A suspension, expulsion, disenrollment, or transfer of a student by an educational agency from the school in which the student is in attendance for a violation of established school rules and law dealing with student conduct, as outlined in Chapter 12 of this title (relating to students).

(b) Due Process Hearing Required.

(1) Change in educational placement - If an educational agency excludes a student who is either socially and emotionally disturbed or learning disabled from a program of special education and if this exclusion exceeds or has been proposed to exceed ten days, then this exclusion constitutes a change in educational placement or status. Such an exclusion may not, therefore, occur if the due process procedures set forth in this subsection have not been complied with.

(2) School district initiated due process procedures - Before an educational agency can exclude or propose to exclude--for more than ten days--a student who either is socially and emotionally disturbed or is learning disabled from a program of special education, the educational agency must follow the procedures set forth in §13.32 of this title (relating to school district initiated due process procedures). This means, among other things, that the district must provide the student's parents with notice, the opportunity for a special education due process hearing, and such other rights as are outlined in that section.

(3) Parent initiated due process procedures - If an educational agency either excludes or proposes to exclude a socially and emotionally disturbed or learning disabled student from a program of special education for a period exceeding ten days, the parents of the student shall have the right to request a due process hearing, pursuant to §13.31 of this title (relating to opportunity for due process procedure), in order to contest such exclusion or proposed exclusion.

(4) Exclusions of ten days or less - Nothing in this section shall be interpreted to mean that existing due process or hearing procedures, under other sections of this title, dealing with exclusions of ten days or less are in any way superseded by this section.

(c) Approved Private Schools.

(1) An approved private school which proposes to exclude a student in the circumstances state in subsection (b) of this section shall inform both the parents of the student and school district of the proposal.

(2) Upon receipt of a notice from an approved private school that it proposes to exclude--for more than ten days--a student who either is socially and emotionally disturbed or is learning disabled, the school district of residence shall initiate the procedures outlined in §13.32 of this title (relating to school district initiated due process procedures).

(3) Nothing in this section shall be interpreted to mean that any other section of this title dealing with the disenrollment, suspension, or expulsion of a handicapped student from an approved private school is hereby superseded by this section.

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GLOSSARY

ACHIEVEMENT TESTS - Tests which sample a student's performance in different subject areas and indicate the student's grade level of performance.

ADAPTIVE PHYSICAL EDUCATION - An individualized physical education program specially designed to aid special education students in their physical development.

ANNUAL GOALS - General written statements within the IEP which represent what the student is expected to learn over the course of one year.

APPROVED PRIVATE SCHOOL (APS) - A private school approved by the Pennsylvania Department of Education to provide special education programming to students with special needs.

AUDIOLOGICAL SERVICES - Services provided to students to assess hearing problems and to prescribe hearing aids if necessary.

BRAIN INJURED (BI) - A student who has moderate to severe injury to the brain, as identified by a neurological examination, resulting in severe behavior and learning disorders.

CONTINUING STUDENT - A student who is already in a special education placement.

CRITERION-REFERENCED TEST - Diagnostic tests which evaluate a student in a specific subject area by identifying skills which have or have not been mastered.

DATE OF ANNUAL REVIEW - The date by which the IEP must be reviewed and/or revised. This date cannot be longer than one year from the date on which the IEP was written.

DUE PROCESS - The procedural safeguards which protect the rights of citizens. Due Process ensures that each exceptional student receives a free, appropriate public education.

DUE PROCESS FORM - See Notice of Recommended Assignment.

DUE PROCESS HEARING - A formal hearing held before a state appointed, impartial hearing officer to resolve a disagreement between a school district and parents concerning the evaluation, identification or placement of a student.

EDUCABLE MENTALLY RETARDED (EMR) - A student who is impaired in one or more of the following areas: learning, maturation and/or social adjustment. The student would be placed in this category as a result of below average intellectual functioning and will have an IQ between 55 and 80 on an individual intelligence test.

EVALUATION CRITERION - The standard against which a skill/behavior will be measured, indicating the level of mastery as objectively as possible.

EXPECTED DURATION - The date on which the Primary Assignment and Related Services will terminate.

FORMAL DIAGNOSTIC TESTS - Commercially produced tests which assess a student's educational level in one or more subject areas by revealing specific strengths and weaknesses.

FULL-TIME SPECIAL EDUCATION CLASS (Self Contained) - A special education class in which the students are expected to spend 85% or more of their time with a special education teacher.

HEARING IMPAIRED (HI) - A student who has a hearing loss, ranging from mild (hard of hearing) to profound (deaf) which interferes with the development of the communication process and results in failure to achieve full educational potential.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) - A written plan which describes the special education program and related services to meet the individual needs of an exceptional student.

IEP PLANNING MEETING - Meeting(s) held to develop, review and/or revise the IEP for an exceptional student.

INFORMAL DIAGNOSTIC TESTS - Check lists, inventories and teacher-made tests designed to analyze student performance in order to determine optimal teaching practices.

INITIATION DATE - The month and year in which the components of an IEP are to begin.

INTERMEDIATE UNIT - An educational agency established by the State Department of Education whose purpose is to provide support services to local school districts.

ITINERANT PROGRAM - A special education class in which students are expected to spend 25% of their time or less with an itinerant special education teacher.

LOCAL EDUCATIONAL AGENCY (LEA) - The local school district responsible for the educational program of the student.

LOCAL EDUCATIONAL AGENCY REPRESENTATIVE (LEA Rep.) - A representative of the school district or intermediate unit who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the exceptional student.

LEARNING & ADJUSTMENT (L&A) - The Montgomery County Intermediate Unit's title for its Socially, Emotionally Disturbed/Brain Injured (SED/BI) program.

LEARNING DISABLED (LD) - A student who has a deficiency in the acquisition of basic learning skills, including but not limited to, the ability to reason, think, read, spell or do mathematical calculations.

LEAST RESTRICTIVE ENVIRONMENT (LRE) - The educational placement which meets the individual needs and abilities of the student, while allowing that student to be educated, to the maximum extent appropriate, with non-handicapped students.

MAINSTREAMING - The educational process of returning exceptional students to or maintaining them in regular education.

MENTALLY GIFTED - A student who has an IQ of 130 or higher and who has outstanding intellectual and creative ability.

NEWLY IDENTIFIED STUDENTS - Students whose total educational program has previously been that of regular education and who are now entering special education.

NORM-REFERENCED TESTS - Tests which compare a student's performance in relation to the performance of other students.

NOTICE OF RECOMMENDED ASSIGNMENT (NORA) - A form which provides parents with an indication of their child's special education placement, a place for approving or disapproving the special education placement and a description of the procedures for requesting a pre-hearing conference and then a hearing.

OCCUPATIONAL THERAPY (OT) - A related service to provide individual treatment in activities of daily living, fine motor skills and sensory integration.

PART-TIME SPECIAL CLASS - A special education class in which students spend 50–85% of their time with a special education teacher.

PENNSYLVANIA STATE STANDARDS FOR SPECIAL EDUCATION - The procedures, definitions and criteria developed by the Pennsylvania Department of Education which are specifically designed to assist in the implementation of the Regualtions of the State Board of Education.

PHYSICALLY HANDICAPPED (PH) - A student who has orthopedic or other health impairments of sufficient magnitude to limit classroom accommodation and educational performance.

PRE-SCHOOL SERVICES - Free, diagnostic testing and evaluation as well as the provision of appropriate programs for pre-school aged children with suspected growth or learning problems.

PRESENT EDUCATIONAL LEVELS - A summary statement of the levels of current functioning of a student.

PRIMARY ASSIGNMENT - A statement of the specific special education program a student will receive.

PRIVATE LICENSED FACILITY (PLF) - Residential placements operated by the Department of Public Welfare and other agencies for the purpose of providing non-educational services.

PROJECT AIDE: ASSISTANCE FOR INSERVICE DEVELOPMENT FOR THE EXCEPTIONALITIES (Project AIDE) - A federally funded project designed to provide consultation, technical assistance and inservice workshops to Montgomery County school districts, approved private schools and the Intermediate Unit in their efforts to implement Public Law 94-142 and to develop Individualized Educational Programs (IEPs) for exceptional students.

PUBLIC LAW 94-142 (P.L. 94-142) - The 142nd public law passed by the 94th Congress, also entitled the Education for All Handicapped Child Children's Act.

REGULAR EDUCATION PROGRAM - A non-special education program which does not qualify for special education funding but which may meet the needs of certain exceptional children.

RELATED SERVICES - Any developmental, supportive or corrective service a student might need in order to benefit from special education as well as the type of physical education and the type of transportation.

RESOURCE ROOM - A special education class in which students will spend 50% or less of their time with the special education teacher.

SEVERELY & PROFOUNDLY MENTALLY RETARDED (S/PMR) - Students whose adaptive behavior is so severely impaired that educational programming consists of closely supervised, basic self-help skills. These students have a score of below 30 as measured on an individual test of intelligence.

SHORT-TERM OBJECTIVES - The smaller, more specific steps a student must go through in order to attain an annual goal.

SOCIALLY & EMOTIONALLY DISTURBED (SED) - A student who has difficulties in regard to self-concept and the ability to get along with others. These characteristics are exhibited over a long period of time and to a marked degree.

SPECIAL MEDIA AND MATERIALS - Those media and materials which a student must have in order to benefit from special education, for example, a wheelchair, braces, a helmet, crutches.

SPEECH & LANGUAGE IMPAIRED (SI) - A student who has communication disorders of impaired language, voice, fluency or articulation to such a degree that academic achievement is invariably affected and is significantly handicapping to the person.

TRAINABLE MENTALLY RETARDED (TMR) - A student who is significantly delayed in development due to severe impairment in mental development. The student will score between 30 and 55 on an individual test of intelligence.

VISUALLY IMPAIRED (VI) - A student whose visual impairment adversely affects educational performance.